

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-16659 of 2015
Date of decision: 08.10.2015

Daljit Singh & others

-----Petitioner (s)

V/s

State of Punjab & another

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Jagjit Singh, Advocate for the petitioner(s).

Mr. P.S. Madahar, AAG, Punjab.

Mr. N.S. Dadwal, Advocate for respondent No.2.

HARI PAL VERMA, J.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.124, dated 02.12.2014, under Sections 354/354A/323/324/506/34 IPC registered at Police Station Fattu Dzinga, District Kapurthala(Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of compromise by way of affidavit dated 12.05.2015 (Annexure P-2).

This Court vide order dated 20.05.2015 had directed the parties to appear before the Area Magistrate/Duty Magistrate on 28.05.2015 to get their statements recorded with regard to the compromise dated 12.05.2015 (Annexure P-2) and the Area Magistrate/Duty Magistrate was directed to submit its report with regard to genuineness of the compromise and also the

terms of settlement along with the copies of the statements of the parties.

Pursuant to the aforesaid order dated 20.05.2015, the parties have appeared before Chief Judicial Magistrate, Kapurthala and have got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 21.07.2015 to the effect that the parties have willfully settled their differences and reached at bona fide compromise without any pressure, threat or coercion and the same is genuine.

The statement of the complainant-respondent no.2, namely, Sarabjit Kaur wife of Sarkartar Singh, daughter of Tarsem Singh, reads as under:-

“Stated that, I have compromised the matter with accused/petitioner Daljit Singh son of Ishar Singh, aged about 27 years, Agriculturist, R/o Village Saiflabad, District Kapurthala, Ranjit Singh son of Joginder Singh son of Mohan Singh, aged about 47 years, Agriculturist, R/o Village Dhillwan, District Kapurthala and Swaran Kaur widow of Sohan Singh son of Thakar Singh, aged about 75 years, Housewife, R/o Village Mithra, District Kapurthala voluntarily without any pressure, threat or coercion with the intervention of respectables of the locality and our relatives, to keep harmony amongst the parties. Satkartar Singh is the son of Swaran Kaur with whom I was married. The Panchayat and respectables have got the matter compromise which is Ex.C1. As per the compromise Satkartar has paid Rs.10 lacs to the minor son Tajinder Singh who is in my custody. I have also received a sum of Rs.15 lacs and balance amount of Rs.25 lacs is lying deposited in the Joint Account of Hari Singh and Raj Davinder Singh which is payable to me before making the second statement in the Court. If anything happens to me then

this amount of Rs.25 lacs will be payable to my father Tarsem Singh. Minor son Tajinder Singh will remain in my custody during my life time and thereafter in the custody of my father Tarsem Singh who will take care of minor Tajinder Singh. Amount of Rs.25 lacs will also be payable to me even if Satkartar does not appear before the Court for making statement on the second motion. Amount of Rs.25 lacs will be payable to me even if anything happens to Satkartar. I have no objection if present FIR be quashed. We have filed a divorce petition u/s 13-B of the Hindu Marriage Act. Swaran Kaur had also got a case registered against me and my relatives under FIR No.112 dated 21.10.2014 U/s323/324/148/149 IPC, PS Fattu DHINGA, District Kapurthala and she will get the same cancelled or quashed by giving statement where ever required.

Sd/-

*RO & AC
Sd/- Sarabjit Kaur*

*(Amit Thind)
CJM/Kpt/29.05.2015”
(Duty)*

Apart from the statement of the complainant, whereby she has shown no objection to the FIR being quashed, there is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)**, as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.124, dated 02.12.2014, under Sections 354/354-A/323/324/506/34 IPC registered at

Police Station Fattu DHINGA, District Kapurthala(Annexure P-1) and all other subsequent proceedings arising therefrom are quashed, qua the petitioners, in view of the compromise by way of affidavit dated 12.05.2015 (Annexure P-2).

However, in case there is breach of compromise, the complainant-respondent No.2 shall be at liberty to take recourse of law, as available under law.

October 08, 2015

Anjal

**(HARI PAL VERMA)
JUDGE**