

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

**Criminal Misc. No. M-27509 of 2015
Date of Decision: 15.09.2015**

Dalbir Singh & others

...Petitioner(s)

Versus

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:- None for the petitioner (s).

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.79 dated 11.6.2015 under Sections 376/506/120-B IPC registered at Police Station Beas, District Amritsar (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of compromise dated 10.8.2015 (Annexure P-2).

This Court vide order dated 19.8.2015 had directed the parties to appear before the Illaqa Magistrate/Trial Court for recording their statements with regard to the compromise dated 10.8.2015 (Annexure P2).

Pursuant to the aforesaid order, the parties have appeared before the learned Sub Divisional Judicial Magistrate,

Baba Bakala Sahib and have got their statements recorded before him. Learned Magistrate has forwarded his report dated 3.9.2015 to the effect that on the basis of the statements suffered by the parties, the compromise entered between them is genuine, voluntary and without any coercion or undue influence. The statement suffered by the complainant Manjit Kaur d/o Late Sh. Jaimal Singh wife of Gurpreet Singh @ Harpreet Singh, r/o village Takapur, Tehsil Baba Bakala Sahib, District Amritsar reads as under:-

“The present case has been registered on my statement against five accused persons namely Dalbir Singh, Raj Kaur, Sukha Singh @ Sukhdev, Harjit Kaur and Harpreet Singh @ Gurpreet Singh. Now, the matter has been compromised with all the abovesaid accused persons with the intervention of respectable persons of the village. I have performed marriage with accused Harpreet Singh @ Gurpreet Singh. I have no objection if the FIR No.79 of 2015 and subsequent proceedings arising out of said FIR registered at Police Station, Beas are quashed by the Hon'ble High Court. I do not want to take further action against all the accused. I have made this statement out of mine own sweet will, without any threat or pressure. Compromise with accused persons have been suffered out of mine own sweet will and without any kind of pressure from any one. No accused is P.O. in this case.

RO&AC
(Manjit Kaur)

Sd/-
(Ashok Kumar Chauhan)
SDJM: Baba Bakala Sahib,
24-08-2015.”

Keeping in view the facts and circumstances of the case, especially when the accused and the complainant have married and both have amicably settled their dispute, continuance of criminal proceedings would be an exercise in futility, as the chances of ultimate conviction are bleak, as the complainant is not likely to support the case of the prosecution and therefore, it would not be in the interest of justice to decline the prayer for quashing of the FIR on the ground that it would amount to permitting the parties to compound a non-compoundable offence. Rather, if the FIR is quashed, it would in the interest of the parties, to lead a peaceful and harmonious life. Reference may be made to judgment of this Court in the case of **Bhupinder Kaur vs. State of Punjab and another, 2004(2) RCR (Criminal) 443.**

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.79 dated 11.6.2015 under Sections 376/506/120-B IPC registered at Police Station Beas, District Amritsar (Annexure P-1) and all other consequential proceedings arising therefrom are quashed in view of compromise dated

10.8.2015 (Annexure P2) entered between the petitioners and the complainant Manjit Kaur.

September 15, 2015
AK

(HARI PAL VERMA)
JUDGE