

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

**Criminal Misc. No. M-28181 of 2015
Date of Decision: 23.09.2015**

Sukhwinder Kaur & others

...Petitioner(s)

Versus

State of Punjab & others

...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. Onkar Rai, Advocate
for the petitioner (s).

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

Mr. R.D. Rattewal, Advocate
for respondents no.2 and 3.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.62 dated 21.6.2015 under Sections 309, 306, 411 and 109 IPC registered at Police Station Kathgarh, District SBS Nagar (Annexure P-1) and subsequent proceedings arising therefrom on the basis of compromise deed dated 20.7.2015 (Annexure P-3).

This Court vide order dated 31.8.2015 had directed the parties to appear before the Illaqa Magistrate/trial Court for recording

their statements with regard to the compromise/settlement dated 20.7.2015 (Annexure P3) and the Illaqa Magistrate/trial Court was directed to submit its report.

Pursuant to the aforesaid order dated 31.8.2015, the parties have appeared before Sub Divisional Judicial Magistrate, Balachaur and have got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 8.9.2015 to the effect that the parties have compromised their dispute with the intervention of respectables of locality and family members. The statement of the complainant Diwan Chand, respondent no.2, reads as under:-

"I have come present as directed by Hon'ble Punjab and Haryana High Court vide order dated 31.8.2015 in CRM-M No.28181 of 2015 to get my statement recorded in FIR No.62 dated 21.6.2015 of PS. Kathgarh u/s 309/306/411/109 IPC which was registered on my complaint, against Sukhwinder Kaur d/o Satpal, Satpal son of Nasib Chand, Gurbaksh Kaur @ Gurpal Kaur @ Palo w/o Satpal all residents of Jaffarpur, SBS Nagar.

With the intervention of respectable of locality and family members, a compromise has been effected between us. A separate compromise deed stands already tendered in Hon'ble High Court. I am making this statement voluntarily without any pressure. I have no objection if the FIR 62 dated 21.6.2015 be quashed.

Apart from this case no other case is pending between us.

RO & AC

Sd/-

LTI (Deewan Chand)

*(Rajesh Ahluwalia)
SDJM, Balachaur
Dated/08.9.2015"*

Mr. R.D. Rattewal, Advocate appearing on behalf of respondents no.2 and 3 does not dispute the factum of compromise between the parties.

Learned counsel for the parties jointly submit that since the matter has been amicably settled between the parties namely Sukhwinder Kaur and Gurbax Singh, the FIR in question deserves to be quashed.

Learned State counsel, on instructions from ASI Karnail Singh, also does not dispute the factum of compromise between the parties.

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.62 dated 21.6.2015 under Sections 309, 306, 411 and 109 IPC registered at Police Station Kathgarh, District SBS

Nagar (Annexure P-1) and subsequent proceedings arising therefrom are quashed, *qua* the petitioners, in view of compromise deed dated 20.7.2015 (Annexure P-3).

September 23, 2015
AK

(HARI PAL VERMA)
JUDGE