

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

CRM-M-31250-2015

Date of Decision: December 08, 2015

SUSHMA KUMARI AND OTHERS

....PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. L.S. Mann, Advocate,
for the petitioners.

Mr. P.S. Paul, DAG, Punjab.

Mr. Virender Partap Singh, Advocate
for respondent No.2/informant.

NARESH KUMAR SANGHI, J

Prayer in this petition filed under Section 482 Cr.P.C., is for quashing of FIR No.49 dated 02.09.2014 (Annexure P-1), for the offences punishable under Sections 295-A and 506 read with Section 34, IPC, registered at Police Station, Sadar, Pathankot and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 15.09.2015, the affected parties were directed to appear before learned trial Court for getting their respective statements recorded with regard to compromise.

The said Court was also directed to send the copies of the statements alongwith its report to this Court in that regard.

In compliance of the above, respondent No.2/informant/aggrieved person-Mohinder Singh as well as the petitioners did appear before the Court below and got recorded their respective statements with regard to compromise.

Respondent No.2-informant Mohinder Singh suffered the following statement qua petitioner No.1-Sushama Kumari :-

"It is stated that I am the complainant in case titled State Vs. Santosh Kumar under FIR No.49 dated 02.09.2014, I have got registered the present FIR in this case. However, with the intervention of respectables I have compromise the matter with accused namely Sushama Kumari W/o Santosh Kumar resident of Village Panjipur PO Noshahra nal Bana, Tehsil and District Pathankot. Now I have no grudge with the accused person. I have no objection if the present FIR is quashed by the Hon'ble High Court qua accused Sushama. I am giving the above statement out of my sweet will and without any pressure and the compromise settled between me and above namely accused is Ex.CI and same is signed by me and all the accused as well as witnesses".

Similar statements were suffered by respondent No.2-informant qua the other three petitioners.

The petitioners also admitted the factum of compromise vide their separate statements.

The operative part of the report received from the learned Judicial Magistrate First Class, Pathankot is as under:-

“....Statements were got recorded by complainant as well as accused voluntarily without any pressure or coercion and parties do not want litigate any further. I am satisfied that parties voluntarily gave their statements with regard to compromise. All the grievances have been settled amicably between the parties. The report is hereby submitted for kind consideration and further action. Attested copies of statements of complainant and accused are attached herewith”.

Learned counsel for the State, on instructions from ASI Dalbir Singh of Police Station, Sadar, District Pathankot and after going through the copies of the statements received from learned trial Court, the offences alleged to have been committed by the petitioners were personal in nature. Due to intervention of the respectable and elderly people of the society, they have resolved their dispute and effected a compromise (Annexure P2). He further submits that in view of the nature of the offences and the factum of compromise effected between the parties, he has no objection if the impugned FIR and all the consequential proceedings are quashed.

Learned counsel for the petitioners submits that in view of the compromise so effected, the pendency of the impugned FIR and all the consequential proceedings arising therefrom, would be a sheer abuse of the process of law. In support of his contention, he has placed reliance on a judgment delivered by Hon'ble the Supreme Court in the matter of **Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543.**

After hearing the counsel for the parties and going through the material available on record, this Court finds that in the heat of anger, the quarrel had taken place between the petitioners and respondent No.2/informant aggrieved person-Mohinder Singh. Now, they have resolved their dispute and effected a compromise. The offences alleged to have been committed by the petitioners are personal in nature.

Keeping in view the detailed discussion, FIR No.49 dated 02.09.2014, for the offences punishable under Sections 295-A and 506 read with Section 34, IPC, registered at Police Station, Sadar, Pathankot and all the consequential proceedings arising therefrom, are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

December 08, 2015
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