

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 7367 of 2015

Date of decision: 29.09.2015

Daljeet Kaur

V/s

----Petitioner(s)

State of Punjab and 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. Ajay Pal Singh, Advocate for the petitioner.

Mr. Sultan Singh Gill, DAG, Punjab.

None for the respondent No.2/complainant.

HARI PAL VERMA, J. (Oral)

Prayer made in this petition filed under Section 482, Cr.P.C, is for quashing of FIR No. 141, dated 04.07.2013 (Annexure P-1) for offence under Sections 353 and 186 of IPC, registered at Police Station City Batala, District Gurdaspur and all the subsequent proceedings arising therefrom on the basis of compromise dated 20.01.2015 (Annexure P-2).

On 09.03.2015, this Court has passed the following order:-

“The present petition has been filed under Section 482, Cr.P.C, the petitioner has prayed for quashing of FIR No. 141, dated 04.07.2013 (Annexure P-1) for offence under Sections 353 and 186, IPC, registered at Police Station City Batala, District Gurdaspur and all the proceedings subsequent arising thereto on the basis of compromise dated 20.01.2015 (Annexure P-2).

Notice of motion for 04.05.2015.

The parties are directed to appear before the Illaqa Magistrate/Trial Court for recording their respective statements with regard to compromise/settlement on 04.04.2015, the date already fixed in the main case.

The Illaqa Magistrate/Trial Court is directed to submit a report on or before the next date of hearing containing the following information as well:-

- (i) number of persons arrayed as accused in FIR.
- (ii) whether any accused is proclaimed offender.
- (iii) whether the compromise is genuine, voluntary, and without any coercion or undue influence.”

Pursuant to the aforesaid order dated 09.03.2015, the parties have appeared before learned Sub Divisional Judicial Magistrate, Batala and have got their statements recorded. On the basis of the statements so recorded by the parties, learned Sub Divisional Judicial Magistrate, Batala, has forwarded her report dated 15.04.2015 along with the statements of the parties to the effect that the compromise entered between the parties is genuine, voluntary and the same has been effected without any coercion and undue influence.

In view of the compromise, respondent No.2-complainant, namely, Dr. Anju daughter of Sh. Jagan Nath, resident of H. No.224/3, Hospital Road, Dhariwal City, Tehsil and District Gurdaspur, has made the following Statement before the Magistrate:-

“I have entered into compromise with Daljeet Kaur, accused person (petitioner). The compromise has been entered into by me, out of my own free will and consent, voluntarily without any pressure, with the intervention of respectable persons. Now, I have no grudge against the accused person(petitioner), I have no objection if the present FIR and subsequent proceedings are quashed against accused person(Petitioner).

RO & AC
Sd- Dr. Anju

Sd/-
Amita Singh
SDJM/ 15.04.2015”

Learned counsel for the State has also not disputed the factum of compromise entered between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR qua the petitioner.

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) and 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. 141, dated 04.07.2013 (Annexure P-1) for offence under Sections 353 and 186, IPC, registered at Police Station City Batala, District Gurdaspur and all the subsequent proceedings arising therefrom on the basis of compromise dated 20.01.2015 (Annexure P-2), are hereby quashed.

September 29, 2015
Anjal

(HARI PAL VERMA)
JUDGE