

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

CRM-M-42500 of 2015
Date of decision: 19.02.2016

Jaskaran Singh and another

----Petitioner (s)

V/s

Amarjit Kaur & 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. Gurvinder Singh Sidhu, Advocate
for the petitioners.

None for respondent No.1.

Mr. Aditya Sanghi, Addl. A.G. Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of Criminal Complaint No.854/2013 (Old No.1008) dated 18.9.2010 (Annexure P-2) titled as 'Amarjit Kaur vs. Jaskaran Singh and another', under Sections 452, 323, 506, 504 and 34 IPC, pending in the Court of Ms. Megha Sharma, learned Judicial Magistrate 1st Class, Bathinda as well as summoning order dated 19.3.2012 (Annexure P-3) passed by learned Judicial Magistrate 1st Class, Bathinda, whereby petitioner No.1 has been summoned to face trial under Sections 452 and 323 IPC, and all the proceedings subsequent arising thereto on the basis of compromise dated 21.11.2015 (Annexure P-4).

This Court vide order dated 17.12.2015 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their

statements recorded with regard to compromise and the trial Court was directed to submit its report qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 17.12.2015, the parties have appeared before learned Judicial Magistrate Ist Class, Bathinda and got their statements recorded. On the basis of statements so recorded, learned Magistrate has forwarded her report dated 21.01.2016 to the effect that the parties have willfully settled their differences and reached at a bona fide compromise without any pressure and the same is genuine.

Though, today no one is present on behalf of Amarjit Kaur, respondent No.1-complainant, but no prejudice would be caused to her, as she has already suffered a statement with regard to validity of the compromise before learned Magistrate on 18.01.2016.

The said statement reads as under:-

“Stated that Complaint against Jaskaran Singh and his wife Sukhrajinder Kaur was filed by me. During proceedings Jaskaran Singh was summoned by the this Hon'ble Court. A cross version FIR No.317, dated 12.05.2009 u/s 324, 323, 148, 149 of IPC P.S. Kotwali, Bti., registered against me and my family. Now the matter has been compromised with the accused person with the intervention of relatives and respectables persons. The compromise is without any threat, coercion or undue pressure and same has been effected with our free will for betterment of the parties. I have no objection in case Complaint/proceedings against Jaskaran Singh be quashed by Hon'ble High Court.

RO & AC
Sd/- Amarjit Kaur

Sd/-
(Megha Sharma)
JM/C/18.01.2016”

Apart from the statement of the complainant-respondent No.1-*Amarjit Kaur*, 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 complaint.

Learned counsel for the State does not dispute the factum of compromise entered between the parties.

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 Criminal Complaint No.854/2013 (Old No.1008) dated 18.9.2010 (Annexure P-2) titled as '*Amarjit Kaur vs. Jaskaran Singh and another*', under Sections 452, 323, 506, 504 and 34 IPC, pending in the Court of Ms. Megha Sharma, learned Judicial Magistrate 1st Class, Bathinda as well as summoning order dated 19.3.2012 (Annexure P-3) passed by learned Judicial Magistrate 1st Class, Bathinda, whereby petitioner No.1 has been summoned to face trial under Sections 452 and 323 IPC, and all consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 21.11.2015 (Annexure P-4).

19.02.2016
Anjal

[HARI PAL VERMA]
JUDGE