

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

**Criminal Misc. No. M-27892 of 2016
Date of Decision:-21.08.2017**

Jasvir Kaur and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Abhishek Singla, Advocate
for the petitioners.

Mr. A.S. Dhaliwal, DAG Punjab.

Ms. Jashanpreet Kaur, Advocate for
Mr. Ankush Singla, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.49 dated 9.6.2016, under Sections 365, 380, 506, 148 and 149 IPC and Section 25,57,54-59 of Arms Act, registered at Police Station Kotfatta, Bathinda (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 3.8.2016 (Annexure P-2).

Vide order dated 24.3.2017, this Court had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements

recorded and the learned Magistrate was directed to forward a report about the genuineness of the compromise to this Court.

In compliance of the order dated 24.3.2017, the parties have appeared before the learned Magistrate on 3.4.2017 for getting their statements recorded.

Learned counsel for the petitioners submits that present FIR is outcome of marriage of petitioner No.2 with petitioner No.1-Jasvir Kaur, who is daughter of the complainant. Petitioners No.1 and 2 solemnized marriage at Gurdwara Guru Nanak Niwas Sahib, Mohali as per the Sikh rites and ceremony on 23.5.2016 and were granted protection by this Hon'ble Court vide order dated 27.5.2016 passed in CRM-M-18900 of 2016 (*Jasveer Kaur & another vs. State of Punjab and others*). He further submits that now matter has been compromised between the parties and petitioner No.1 is staying happily at her matrimonial home with petitioner No.2.

Learned counsel appearing for respondent No.2 does not dispute the fact of compromise effected between the parties.

Learned State counsel has filed the reply by way of affidavit of Shri Gopal Chand, PPS, Deputy Superintendent of Police, Sub Division Rural, Bathinda, in Court. Same is taken on record. Copy supplied to the counsel opposite. He also does not dispute the factum of compromise effected between the parties.

Heard.

Since the parties have entered into a compromise and learned

Magistrate has recorded their statements followed by his report, continuation of the trial arising out from the impugned FIR and consequential proceedings would be sheer abuse of the process of law since chances of conviction are bleak.

Keeping in view the factum of compromise effected between the parties and the law laid down by this Court in the case of **Kulwinder Singh and others vs. State of Punjab and another 2007(3) RCR (Crl.) 1052 (P & H)** and as approved by Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.49 dated 9.6.2016, under Sections 365, 380, 506, 148 and 149 IPC and Section 25,57,54-59 of Arms Act, registered at Police Station Kotfatta, Bathinda and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

August 21, 2017
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No