

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 280 (2 cases)

CRM-M-32412-2016

Decided on : 13.02.2017

Jasbir Kaur and others

..... Petitioner(s)

VERSUS

State of Punjab and another

..... Respondent(s)

2.

CRM-M-32441-2016

Surjit Kaur and others

..... Petitioner(s)

VERSUS

State of Punjab and another

..... Respondent(s)

CORAM: **HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mr. Rohit Ahuja, Advocate, for the petitioner(s)
in CRM-M-32412-2016 and for respondent No. 2
in CRM-M-32441-2016.

Ms. Dhivya Jerath, Advocate, for the State of Punjab.

Mr. U. K. Kanwar, Advocate, for the petitioner(s)
in CRM-M-32441-2016 and for respondent No. 2
in CRM-M-32412-2016.

DEEPAK SIBAL, J. (ORAL)

Through the present petitions filed under Section 482 Cr. P. C., the petitioners seek quashing of Rapat No. 33, dated 10.04.2012 and FIR No. 19, dated 10.04.2012, registered under Sections 452, 326, 323, 354, 356, 148 and 149 IPC, at Police Station Fattu DHINGA, District Kapurthala, and all consequential proceedings arising therefrom in view of the compromise dated 31.08.2016 (Annexure P-2) effected between the parties.

Learned counsel for the petitioners submit that investigations in the afore-referred Rapat and FIR were conducted and finding that no case is

made out in either the Rapat or the FIR, the prosecution, on 22.08.2013 submitted a cancellation report before the trial court. Notice in the same had been issued to the complainant, who appeared on 22.04.2015 and made a statement that he had no objection if the cancellation report was accepted. However, till date no final order on the cancellation report has been passed. The parties waited for reasonable long time for the trial court to decide on the submission of the cancellation report by the police but to no avail. Having left with no other remedy, they entered into a written compromise dated 31.08.2016 and after appending the same to the present petitions approached this Court under Section 482 of the Cr. P. C. for the above reliefs.

Notice of these petitions was issued in pursuance of which counsel for the contesting respondents, in both petitions have appeared and admit that the afore-referred compromise has been effected between the parties and on the basis thereof, they have no objection, if the afore-referred Rapat and FIR are quashed.

In view of the fact that the investigating agency, after investigation, has filed a cancellation report seeking cancellation of both the impugned proceedings and that the matter has been compromised between the parties, according to me continuation of proceedings in pursuance to the afore-referred Rapat and FIR would be an abuse of the process of law.

Resultantly, Rapat No. 33, dated 10.04.2012 and FIR No. 19, dated 10.04.2012, registered under Sections 452, 326, 323, 354, 356, 148 and 149 IPC, at Police Station Fattu Dyinga, District Kapurthala, and all consequential proceedings arising therefrom in view of the compromise dated 31.08.2016 (Annexure P-2) effected between the parties, are hereby

ordered to be quashed.

Before parting with the judgment, the District & Sessions Judge, Kapurthala, is directed to inquire into the matter as to why the Magistrate before whom the cancellation report was filed way back on 22.08.2013 and before whom the complainant had also made a statement on 22.04.2015 that he has no objection if the cancellation report is accepted, did not pass any final order on the submission of the cancellation report.

The report be submitted within two weeks.

13.02.2017
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No