

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41519-2016

Date of Decision:- 17.03.2017

Amritpal Kaur and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Rishu Mahajan, Advocate,
for the petitioners.**

Ms. Anmol Grewal, Deputy Advocate General, Punjab.

RITU BAHRI, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.113 dated 07.07.2007, under Sections 452, 326, 324, 323, 148 and 149 IPC, registered at Police Station Ghall Khurd, District Ferozepur; judgment and order dated 16.11.2013, passed by the learned Court of Judicial Magistrate 1st Class, Ferozepur; and all the subsequent proceedings arising therefrom, on the basis of compromise dated 07.11.2016 (Annexure P-3).

Brief facts of the case are that the marriage of petitioner No.1 was solemnized with complainant-respondent No.2. After the marriage, petitioner No.1 had started quarreling with her husband (complainant) and his family members on little points and thereafter, she had gone to her parental home. By gathering persons, she came back but his wife again

started quarreling. On 05.07.2007, she by taking the phone from the complainant made call to her parents that they are beating her. Upon this, at about 11.30 PM, his father-in-law, his brother-in-law, Jasbir Singh along with some other persons, armed with deadly weapons, have entered into the house of complainant and caused injuries to him. Thereafter, the F.I.R was registered against the petitioners. All the accused have been arrested.

Learned counsel for the petitioners submits that all the accused persons have been convicted, vide judgment of conviction and order of sentence dated 16.11.2013 (Annexure P-2), by the learned Judicial Magistrate 1st Class, Ferozepur. The appeal against the judgment of conviction is pending consideration before the learned appellate Court. Now, with the intervention of the respectables of society good sense has prevailed and both the parties have compromised the matter, vide compromise dated 07.11.2016 (Annexure P-3).

During the course of preliminary hearing, the appellate Court, was directed to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise dated 07.11.2016 (Annexure P-3), by means of order dated 21.11.2016, by this Court.

In compliance of order dated 21.11.2016 of this Court, the report of Additional Sessions Judge, Ferozepur, dated 17.02.2017 has been received. As per the report, the statements of all the concerned parties have been recorded and the complainant has no objection, if the appeal preferred by petitioners is accepted and FIR registered against them is quashed. Statements of the petitioners and complainant have been recorded to the same effect.

Consequently, in view of the above-said report and in view of the judgments of the Hon'ble Supreme Court in **Dr. Arvind Barsaul etc. Vs. State of Madhya Pradesh and another, 2008(2) RCR (Criminal) 910**; the law laid down by the Full Bench of this Court in the case of **Kulwinder Singh and Ors. vs. State of Punjab and another, 2007(3) RCR (Crl.) 1052**; and in view of judgment of this Court in case of **Lal Chand Vs. State of Haryana, 2009(5) RCR (Crl.) 838**, no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No.113 dated 07.07.2007, under Sections 452, 326, 324, 323, 148 and 149 IPC, registered at Police Station Ghall Khurd, District Ferozepur is hereby quashed and further the judgment and order dated 16.11.2013, passed by the learned Court of Judicial Magistrate 1st Class, Ferozepur, is set aside and the petitioners/accused stands acquitted, in view of compromise dated 07.11.2016 (Annexure P-3).

The present petition stands disposed of.

March 17, 2017
naresh.k

(**RITU BAHRI**)
JUDGE