

CRM-M-10354-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10354-2017

Date of Decision: 1st May, 2018

Sukho @ Sukhdeep Kaur @ Sukhjeet Kaur & others

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. A.S. Gulati, Advocate for
Mr. Joginder Pal Ratra, Advocate,
for the petitioners.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

Mr. Gagandeep S. Manku, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.2 dated 04.01.2017, under Sections 323, 325, 148 and 149 of the Indian Penal Code (hereinafter referred to as 'IPC'), registered at Police Station Civil Lines Batala, Police District Batala, (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of the compromise dated 16.03.2017 (Annexure P-2) entered into between the petitioners and respondent No.2-complainant.

The case came up for hearing before this Court on 27.03.2017, when following order was passed:-

“Notice of motion.

On asking of the Court, Mr. Gurinder Jit

Singh, Deputy Advocate General, Punjab puts in appearance and accepts notice on behalf of respondent No.1-State. A copy of the paper book be supplied to him.

Mr. Gagandeep S. Manku, Advocate has put in appearance on his own on behalf of respondent No.2 and filed his *vakalatnama* today in the Court. Same is taken on record.

In the light of contentions that the parties have since then effected compromise, they are directed to put in appearance before the Illaqa Magistrate/concerned Court, Police Station Civil Lines Batala, Police District Batala, District Gurdaspur within 15 days from today to record their statements and the Illaqa Magistrate/concerned Court shall make report as to its satisfaction and submit it back before the next date of hearing. The Magistrate shall also intimate if any of the parties to this petition has been declared as Proclaimed Offender.

List on 14th September, 2017.”

In compliance of the above order, parties had appeared before the Judicial Magistrate First Class, Batala, on 11.04.2017 and got recorded their respective statements. The Court, after recording the statements of the

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parties, submitted a report dated 03.05.2017, in which, it has been mentioned that the compromise arrived at between the parties is genuine, voluntary, without any coercion or undue influence.

Counsel for complainant-respondent No.2 submits that complainant-respondent No.2 stands by the compromise dated 16.03.2017 (Annexure P-2) and that she is not interested in pursuing the matter any further because of the compromise.

Counsel for the petitioners as also counsel for complainant-respondent No.2, in the light of the report of the Judicial Magistrate First Class, Batala, pray that the present petition may be allowed.

Keeping in view the compromise dated 16.03.2017 (Annexure P-2) having been entered into between the parties, which has been found to be genuine as per the report dated 03.05.2017 of the Judicial Magistrate First Class, Batala and the fact that complainant-respondent No.2 does not want to pursue the present FIR, which was recorded at her behest, the interest of justice would be served by putting an end of the dispute between the parties, which has been amicably resolved for their betterment and future brotherhood.

In the light of the above and the ratio of latest judgment of the Hon'ble Supreme Court in ***Criminal Appeal No.1723 of 2017***, titled as '***Parbatbhai Aahir @ Parbhabhai Bhimsinhbhai Karmur & others Vs. State of Gujarat & another***, decided on 04.10.2017 and in the judgment of ***Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482*** as also the Full Bench judgment of this Court in ***Kulwinder***

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Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052, the present petition is allowed. FIR No.2 dated 04.01.2017, under Sections 323, 325, 148 and 149 of IPC, registered at Police Station Civil Lines Batala, Police District Batala, (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

1st May, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No