

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-12360 of 2018

Date of Decision: 18.08.2018

Avinash Rani @ Vinash Rani & others

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- Mr. Arvind Chauhan, Advocate
for the petitioners.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

None for respondent no.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.221 dated 06.08.2014 under Sections 452/323/324/506/379 IPC registered at Police Station City Ferozepur, District Ferozepur (Annexure P-1) and subsequent proceedings arising therefrom, on the basis of compromise dated 31.10.2017 (Annexure P-2).

This Court, vide order 17.04.2018, had directed the parties to appear before the trial Court to get their statements recorded with regard to compromise so arrived and the trial Court was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements of the parties.

Pursuant to the aforesaid order, the parties have appeared before Chief Judicial Magistrate, Ferozepur and got their statements recorded. On the basis of statements so recorded, learned Magistrate has forwarded her report dated 08.05.2018 to the effect that the parties have entered into a valid and genuine compromise, which is voluntary and bona fide and out of their free will, without any pressure or coercion.

Though no one has put in appearance on behalf of respondent no.2-complainant namely Leelawanti, but no prejudice would be caused to her in case the present petition is allowed, as she has already made her statement before the learned Magistrate on 02.05.2018 regarding the compromise between the parties. The statement of Leelawanti, complainant-respondent no.2, so recorded before the learned Magistrate reads as under:-

“Stated that the abovesaid FIR was got registered at my instance, against the accused, namely Avinash Rani @ Vinash Rani, Pardeep Kumar, Chandan Kumar and Vinod Kumar. The accused No.1 is my daughter-in-law and other accused are her sons. I have sorted out all differences with them, and effected compromise in the present case with the intervention of the respectables of locality without any inducement, pressure, threat or coercion and the compromise deed which has been submitted in the Hon’ble High Court, is genuine and voluntary. Further, I have no objection, if as per the compromise, the proceeding in the abovesaid FIR are quashed against all the petitioners/accused. The compromise has been arrived at out of free will and is without any threat or coercion of any kind.”

Learned State counsel also does not dispute the factum of compromise so effected between the parties.

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 FIR.

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) 1252 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)12 SCC 303, this petition is allowed and FIR No.221 dated 06.08.2014 under Sections 452/323/ 324/506/379 IPC registered at Police Station City Ferozepur, District Ferozepur (Annexure P-1) and subsequent proceedings arising therefrom, are quashed *qua* the petitioners, on the basis of compromise deed dated 31.10.2017 (Annexure P-2).

August 18, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No