

252.

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

CRM-M-13951-2017

Date of decision:18.09.2018.

RAJWINDER KAUR & ANR

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Satnam Singh Gill, Advocate,
for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab,
for respondent No.1.

Ms. Manjot Kaur, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.27 dated 06.12.2016 registered under Sections 323, 325, 379, 506, 34 IPC at Police Station Kotli Surat Mollian, Police District Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 06.03.2017 (Annexure P-2).

This Court vide order dated 04.04.2018 had directed the parties to appear before the Illaqa Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Batala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 08.05.2018 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any threat or coercion.

Respondent No.2-complainant, namely, Kanwalpreet Singh has made his statement with regard to compromise before learned Magistrate on 30.04.2018. The same is reproduced as under:-

“Stated that the present FIR No.27 dated 06.12.2016 under Sections 323/325/379/506/34 of IPC, Police Station Kotli Surat Malhi, Police District Batala, District Gurdaspur was registered against the accused namely Rajwinder Kaur (Raju as per FIR) wife of Harjinder Singh and Gagan Deep Singh son of Harjinder Singh residents of Bhagwanpur, Kotli Surat Malhi, Batala, District Gurdaspur on the statement of complainant/respondent Kanwalpreet Singh son of Avtar Singh, resident of Village Bhagwanpur, Kotli Surat Malhi, Batala, District Gurdaspur. Now I have compromised the matter with the above said accused with the intervention of the respectables. I have no objection if the above said FIR no.27 dated 06.12.2016 under Sections 323/325/379/506/34 of IPC, Police Station Kotli Surat Malhi, Police District Batala, District Gurdaspur, be quashed qua the above said accused. I have given my statement with my free will and without any coercion and any pressure. Copy of my identity cards is Ex.C1. I have not been declared proclaimed person/offender by any court of law.”

Learned State counsel as well as learned counsel appearing on behalf of respondent No.2 have not disputed the factum of compromise.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment

another 2007 (3) RCR (Criminal) 1052 and approved by the Hon'ble Supreme Court in Gian Singh Versus State of Punjab and others (2012) 10 SCC 303, this petition is allowed and F.I.R. No.27 dated 06.12.2016 registered under Sections 323, 325, 379, 506, 34 IPC at Police Station Kotli Surat Mollian, Police District Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 06.03.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

18.09.2018
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No