

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

CRM-M-25626-2016

Date of decision:-12.1.2018

Kuljit Kaur and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Iqbal Singh Mann, Advocate
for the petitioners.

Mr.Ramandeep Sandhu, Sr. D.A.G., Punjab.

Mr.Gurinder Singh Hayer, Advocate for
Mr.Gagandeep Singh, Advocate
for respondent No.2.

H.S. MADAAN, J.(ORAL)

This is a petition under Section 482 Cr.P.C. seeking quashing of FIR No.129 dated 5.10.2014 for offences under Sections 307, 323, 506 read with Section 34 IPC, registered with Police Station Sudhar, District Ludhiana and subsequent proceedings arising out of the same on the basis of compromise (Annexure P-2).

When the petition came up for hearing on 29.7.2016, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab appeared through Deputy Advocate General, whereas respondent No.2 put in appearance through counsel. Then in light of the contention that parties have since effected compromise, they were directed to put in appearance before the Illaqa Magistrate, Police Station Sudhar within fifteen of passing of order i.e. 29.7.2016 to get their statements recorded

and Illaqa Magistrate was directed to make report as to its satisfaction and further to intimate if any of the parties to this petition has been declared as proclaimed offender.

Report dated 16.8.2016 from Judicial Magistrate Ist Class, Jagraon has been received, in terms of which, statements of complainant – Tarandeep Kaur and those of accused – petitioners Kuljit Kaur and Amandeep Kaur were recorded there and they had admitted the factum of compromise having been arrived at between them, the same being voluntary and without any pressure. It has further been reported that no accused has been declared proclaimed offender and compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Separate statement of complainant besides joint statement of the accused namely, Kuljit Kaur and Amandeep Kaur, have been enclosed in that regard.

I have heard learned counsel for the petitioners, learned State counsel and learned counsel appearing for respondent No.2, besides going through the record.

The FIR in question is result of matrimonial dispute between complainant Tarandeep Kaur and her husband Kamaljit Singh. The mother of Kamaljit Singh, namely, Harjinder had filed a petition for quashing of FIR on the basis of compromise along with the present petitioners but the FIR was quashed qua Harjinder Kaur vide order dated 29.2.2016 for the reason that the other two accused (present petitioners) were not in India at that time and it was debatable as to whether they could file such petition through attorney, therefore, the counsel had withdrawn the petition qua them reserving right to file fresh one on their

arrival in India. Now after arriving in India, they have filed a separate petition.

It is stated by learned counsel for the petitioners that dispute between the parties has since been resolved amicably and to enable them to live in peace and congenial atmosphere, the present petition be accepted.

Though the FIR has been registered under Section 307 IPC but as has been observed in the order dated 29.2.2016 passed by this Court that in absence of any cogent medical evidence, it is a debatable issue whether this offence is made out or not.

The dispute between the parties has been resolved amicably, which appears to have been done voluntarily without any threat or coercion. In terms of ratio of the authority reported as **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, where in para 28, it has been held as under :-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour.

It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “*finest hour of justice*”. Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by

the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.”

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the FIR and ancillary proceedings exercising power under Section 482 Cr.P.C., it appears to be a fit case to exercise such powers.

Accordingly, the petition is allowed and the abovesaid FIR alongwith ancillary proceedings, is hereby quashed.

(H.S.MADAAN)
JUDGE

12.1.2018
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No