

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

263

CRM-M-31498-2018

Date of Decision:01.10.2018

Anita Kumari and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. S.P. Soi, Advocate,
for the petitioners.

Mr. Surinder Pal Singh Tinna, Addl. A.G., Punjab,
for respondent No.1.

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.293 dated 29.12.2017 under Sections 323, 452, 506, 148, 149 IPC, registered at Police Station Meharban, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

This Court vide order dated 26.07.2018 had directed the parties to appear before the Illaqa Magistrate/trial Court 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 1st Class, Ludhiana and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 29.08.2018 to the effect that the parties have compromised the matter out of their free will and without any sought of pressure and fear.

Though, today no one is present on behalf of respondent No.2- Complainant, namely, Amar Singh, but no prejudice should be caused to him as he has already made a statement with regard to compromise before learned Magistrate on 29.08.2018. The same is reproduced as under:-

“Stated that I got lodged FIR No.293 dated 29.12.2017, U/s 323/452/506/148/149 IPC, P.S. Meharban, Ludhiana, against the accused Anita Kumari W/o Rachhpal Singh, aged about 34 years and accused Rashpal Singh @ Pala @ Paala S/o Balwinder Singh, aged about 35 years, both R/o H. no.120, St. no.3/1, Jagirpur Road, Model Colony, Jahangirpur @ Jagirpur, District Ludhiana. Now I have entered into compromise with all the accused Anita Kumari W/o Rachhpal Singh, aged about 34 years and accused Rashpal Singh @ Pala S/o Balwinder Singh, aged about 35 years, both R/o H. no.120, St. no.3/1, Jagirpur Road, Model Colony, Jahangirpur @ Jagirpur, District Ludhiana, out of my free will and without any sort of pressure and fear. Now all doubts between me and above said accused persons have been cleared. As such, I do not want to pursue with the case against the above said accused as the matter has been compromised. I undertake to appear before Hon'ble Court to suffer statement for quashing the above said FIR No.293 dated 29.12.2017, U/s 323/452/506/148/149 IPC, P.S. Meharban, Ludhiana. Accordingly, nobody would initiate any legal proceedings regarding the said FIR against each other. Today I have brought my aadhar card as my proof of

identity and photocopy of same is Ex. PY.”

Learned State counsel has not disputed the factum of compromise between the parties and the fact that the dispute is between real brothers.

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 of this Court in ***Kulwinder Singh and others Versus State of Punjab and 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 FIR No.293 dated 29.12.2017 under Sections 323, 452, 506, 148, 149 IPC, registered at Police Station Meharban, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise (Annexure P-2).

October 01, 2018
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No