

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

CRM-M-34841 of 2018.

Decided on:- November 13, 2018.

Rajinder Kaur.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

Mr. Abhimanyu Vinayak, 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 FIR No.43 dated 20.05.2017 under Sections 380 and 120-B IPC registered at Police Station Begowal, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 22.11.2017 (Annexure P-2).

This Court vide order dated 14.08.2018 had directed the parties to appear before the trial Court/Illaq Magistrate to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioner as well as respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Kapurthala and got their statements recorded on

17.09.2018. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 17.10.2018 to the effect that the compromise has been reached amicably between them with the intervention of respectable, voluntarily without any undue influence or coercion.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Harpreet Singh. His statement made before learned Magistrate on 17.09.2018 in support of the compromise reads as under:

“State that I have registered one FIR No.43 dated 20.05.2016 u/s 380, 120-B IPC, PS Begowal, Distt. Kapurthala against Rajinder Kaur who is my wife. The FIR was registered against two persons i.e. Rajinder Kaur and Gagandeep Singh @ Gagan. The matter in dispute has been compromised amicably with the intervention of the respectable of society between complainant and myself. There are two persons arrayed in the present FIR. Accused Gagandeep Singh @ Gagan has been declared proclaimed person. We have compromised the matter voluntarily and without any coercion or undue influence. I have no objection if the present FIR is quashed against Rajinder Kaur..”

Learned State counsel has not disputed the factum of compromise effected between the parties.

Similarly, learned counsel for respondent No.2-complainant states that the matter has been compromised between the parties. He further states that there is some typographical error in the statement of the complainant, wherein he has stated that *“The matter in dispute has been compromised amicably with the intervention of the respectable of society*

between complainant and myself". However, in fact the intention of the complainant was that the matter in dispute has been compromised amicably with the intervention of the respectable of society between the complainant and the petitioner.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioner shall be an abuse of the process of law.

Thus, 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*, the present petition is allowed and the FIR No.43 dated 20.05.2017 under Sections 380 and 120-B IPC registered at Police Station Begowal, District Kapurthala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise deed dated 22.11.2017 (Annexure P-2), however, subject to payment of Rs.5,000/- by the petitioner as contribution to the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh within a period of one month from today.

November 13, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No