

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

120

CRM-M-47817-2017

Date of decision: 18.01.2018

Gurjinder Kaur @ Bholi and another

...PETITIONERS

VERSUS

State of Punjab and another

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Gaurav Kalsi, Advocate,
for Mr. H.S.Batth, Advocate,
for the petitioners.

Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab,
for the State-respondent No. 1.

Mr. J.S.Dhaliwal, Advocate,
for respondent No. 2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court for quashing of FIR No. 178 dated 29.07.2017 under Sections 325/452/323/148/149 IPC registered at Police Station Bhikhiwind, District Tarn Taran and all consequential proceedings arising therefrom in the light of the compromise entered into between the parties dated 08.12.2017 (Annexure P-2).

When the case came up for hearing on 15.12.2017, the following order was passed:-

“ Notice of motion for 18.1.2018.

Mr. J.S.Dhaliwal, Advocate, appears and files his power of attorney on behalf of respondent No. 2. The same is taken on record. Office to tag the same at an appropriate place.

In the meanwhile, parties shall appear before the trial Court/Illaqa Magistrate, which shall record the statements of the parties and its satisfaction that parties have compromised the matter amicably with their free will and without any pressure from any corner. Trial Court/Illaqa Magistrate shall send its report to this Court by the next date of hearing.

To be shown in the urgent list.”

In compliance with the order passed by this Court on 15.12.2017, the parties appeared before the Judicial Magistrate Ist Class, Patti, who had proceeded to record the statements of the petitioners as also the complainant-respondent No. 2. On the basis of the statements of the parties, the learned Judicial Magistrate Ist Class, Patti has opined that the compromise, which has been entered into between the complainant-Jarnail Singh and accused petitioner No. 1-Gurjinder Kaur alias Bholi and petitioner No. 2-Jagjeet Singh alias Jaggi, is genuine, voluntarily, without any coercion, undue influence and out of their free will.

In view of the above and keeping in view the fact that the two accused-petitioners and respondent No. 2-complainant are close relatives and with the intervention of the family members and respectables of the village, compromise has been entered into, it would be in the interest of justice and for the well being of the parties and for cordial relations between the parties that such a compromise is honoured and given effect to. The Full Bench judgment of this Court i.e. **Kulwinder Singh and others vs.**

State of Punjab and another, 2007 (3) RCR (Criminal) 1052 would also support such a situation to be given effect to. The Hon'ble Supreme Court in the judgment of **Narinder Singh vs. State of Punjab**, 2014 (2) RCR (Criminal) 482 has also reiterated and asserted that the compromise can be entered into between the parties for settlement of their disputes.

Keeping in view the facts and circumstances of the present case, the present petition is allowed. FIR No. 178 dated 29.07.2017 under Sections 325/452/323/148/149 IPC registered at Police Station Bhikhiwind, District Tarn Taran and all consequential proceedings arising therefrom are hereby quashed.

January 18, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No