

CRM-M-6490-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6490-2018

Date of Decision: 11th May, 2018

Jatinder Kaur

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Deepak Gupta, Advocate, for the petitioner.
Mr. Dhruv Dayal, Sr. DAG, Punjab.
Mr. Vikas Garg, Advocate for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.11 dated 21.01.2018, under Section 420 of the Indian Penal Code (hereinafter referred to as 'IPC'), registered at Police Station Bhikhiwind, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of the compromise dated 01.02.2018 (Annexure P-2) entered into between the parties.

The case came up for hearing before this Court on 20.02.2018, when following order was passed:-

“Prayer in the present petition filed under Section 482 of the Cr.P.C. is for quashing of FIR No.11 dated 21.01.2018 (Annexure P-1), registered under Section 420 IPC, at Police Station Bhikhiwind, District Tarn Taran, and all consequential proceedings arising therefrom, on the basis of a compromise.

Notice of motion.

On the asking of the Court, Mr. Kuldeep Singh,

Senior Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.1.

Counsel for the petitioner has supplied a copy of complete paper book to the counsel for the State.

Mr. Vikas Garg, Advocate, has filed power of attorney on behalf of respondent No.2, who is the complainant. He states that there is indeed a compromise between the parties which is dated 01.02.2018 (Annexure P-2). He further states that in the light of the compromise, the complainant is not interested in pursuing the FIR which was registered at her behest and has no objection in case the present petition is allowed and the FIR in question is quashed.

Counsel for the parties submit that the parties would appear before the Illaqa Magistrate, Patti, on 08.03.2018 to get their respective statements recorded with reference to the compromise.

In view of the above, the parties are directed to appear before the Illaqa Magistrate, Patti, on 08.03.2018 for recording of their statements with regard to the above referred compromise on the said date or on any other date convenient to the Court.

The Illaqa Magistrate is directed to record the statements of all the accused, complainant/injured and victim, if any, and submit a report along with the recorded statements before the next date of hearing containing the following information:-

- (i). Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner?
- (ii). Whether the compromise effected between the parties is genuine and valid?

(iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).

(iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.

(v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.

To come up before this Court on 11.05.2018.

Copy of this order be sent to Illaqa Magistrate concerned forthwith for information and compliance.”

In compliance with the above order, parties appeared before the Judicial Magistrate Ist Class, Patti, on 27.03.2018 and got recorded their respective statements. The Court, after recording the statements of the parties, submitted a report dated 01.05.2018, according to which, the compromise, which has been entered into between petitioner-Jatinder Kaur and respondent No.2-complainant Harpreet Kaur, has been found to be genuine, voluntary, without any coercion or undue influence and with their free will.

Counsel for the petitioner, in the light of the report of Judicial Magistrate Ist Class, Patti, referred to above, prays that the present petition be allowed as the parties have amicably resolved their dispute.

Counsel for respondent No.2-complainant acknowledges the factum of compromise dated 01.02.2018 (Annexure P-2) entered into between the parties and further states that respondent No.2-complainant has no objection in case the present petition is allowed and the FIR which has

been registered at her behest is quashed.

The parties having amicably resolved their dispute, it would be for their betterment that the grudge, if any, should not proceed further as it would lead to a situation of exaggerating the dispute which existed between them. Keeping in view the compromise dated 01.02.2018 (Annexure P-2) and the report dated 01.05.2018 submitted by the Judicial Magistrate Ist Class, Patti, where the said compromise has been found to be genuine and valid, the present petition requires to be allowed.

In the light of the above and the ratio of latest judgment of the Hon'ble Supreme Court in ***Criminal Appeal No.1723 of 2017***, titled as '***Parbatbhai Aahir @ Parbhabhai Bhimsinhbhai Karmur & others Vs. State of Gujarat & another***, decided on 04.10.2017 and in the judgment of ***Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482*** as also the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052***, the present petition is allowed. FIR No.11 dated 21.01.2018, under Sections 420 of IPC, registered at Police Station Bhikhiwind, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner only.

(AUGUSTINE GEORGE MASIH)
JUDGE

11th May, 2018
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No