

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

271

CRM-M-657 of 2018

Date of decision: 24.05.2018

Salwinder Singh @ Kala and Ors.

...Petitioners

Vs.

State of Punjab and Anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Dheeraj Mahajan, Advocate
for the petitioners.

Mr.M.S. Nagra, AAG, Punjab.

Mr. B.S. Sandhu, Advocate for respondent No. 2.

MAHABIR SINGH SINDHU, J.(ORAL)

Present petition is filed praying for quashing of FIR No.133 dated 19.07.2017, under Sections 365, 148, 149 IPC and Section 25/54/59 Arms Act, registered at Police Station Sadar Tarn Taran, District Tarn Taran, on the basis of compromise entered into between the parties.

2. Heard.

3. Both the parties were directed by this Court vide order dated 17.05.2018 to appear before the Mediation and Conciliation Centre of this Court and get their statements recorded.

4. In pursuance of the above order, the parties appeared before the Mediation and Conciliation Centre of this Court and got recorded their statements. The operative part of the said statement reads as under:-

“That now with the intervention of the respectable the matter has been compromised between the parties on the following

terms and conditions which are as follow:-

- (i) It has been agreed that the complainant-respondent No. 2 does not want to pursue the present case against the petitioners as the matter stands amicably settled between the parties.
- (ii) That now since petitioners have agreed for the marriage between the parties and have accepted the matrimonial reliance and presently couple is happily living thereafter, so second party does not want to initiate further proceedings in the present FIR No. 133 dated 19.07.2017 under Section 365, 148, 149 IPC, Section 25/54/59 Arms Act registered at Police Station Sadar Tarn Taran, District Tarn Taran against the all petitioners i.e. Salwinder Singh, Baljinder Kaur, Gursewak Singh and Gurpreet Singh.
- (iii) That to maintain the peace and harmony in both the families, the second party has decided with the consent of the other family members that if the present FIR may be quashed by the Hon'ble Court then the second party is having no objection because the second party has taken this step for the welfare and better future of the newly married couple.
- (iv) Both the parties have mutually/amicably settled their dispute and further first party has assured that they shall not create any kind of problem in future for the newly married couple.
- (v) and accepted all conditions of settlement deed”.

5. A perusal of the executed settlement reveals that petitioners were aggrieved by the marriage of the Lovejeet Kaur and Harpreet Kumar.

6. Learned State counsel on instructions has stated that Harpreet Kumar and Lovejeet Kaur are living peacefully and there is no objection by either of the parties.

7. Even before this Court, none of the parties, has any objection if the FIR in question is quashed. A perusal of the report reveals that the compromise entered between the parties is without any pressure and coercion. Even as on today the parties are not disputing the factum of

compromise arrived at between them.

8. Learned State counsel has also acknowledged the same and stated that State has no objection in quashing the FIR as well as all other consequential proceedings on the basis of the compromise effected between the parties in this case.

9. Inasmuch as the dispute between the parties has been amicably settled and they have already entered into compromise, and the fact that no objection has been raised by the State, continuance of the prosecution would be an exercise in futility. Therefore, the aforesaid FIR and all consequent proceedings resulting therefore are quashed and set aside.

10. Petition is allowed.

May 28, 2018
Poonam (II)

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether reportable: *Yes/No*