

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

CRM-M-4927 of 2019.

Decided on:- May 09, 2019.

Sukhpreet Kaur and others

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. A.S. Cheema, Advocate
for the petitioners.

Mr. Jagmohan Ghumman, D.A.G., Punjab.

Mr. Ithlesh, Advocate
for respondents No.2 and 3.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of DDR No.29 dated 26.11.2018 under Sections 323, 324, 148 and 149 IPC recorded at Police Station Dhilwan, District Kapurthala (Annexure P-1) being cross-case in FIR No.74 dated 26.11.2018 under Sections 323, 354, 452, 506, 148 and 149 IPC registered at Police Station Dhilwan, District Kapurthala and all subsequent proceedings arising therefrom on the basis of compromise deed dated 10.12.2018 (Annexure P-3) effected between the parties.

This Court vide order dated 04.02.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court 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 petitioners as well as respondent No.2-complainant and injured-respondent No.3 have appeared before learned Judicial Magistrate 1st Class, Kapurthala and got their statements recorded on 25.02.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 11.03.2019 to the effect that the parties have entered into compromise and solved their differences without any undue influence, coercion and threat. As such, it is clear that the parties have entered into compromise voluntarily.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Sukhdeep Singh. His statement made before learned Magistrate on 25.02.2019 in support of the compromise reads as under:

“Stated that I am the complainant in the present case. Present DDR No.29 – 26.11.2018 U/s 323, 324, 148, 149 IPC (being cross case in FIR No.74 - 26.11.2018) registered at PS Dhilwan against me. I have compromised with all the accused with my own free will, without any pressure, coercion or any undue influence. I do not want to proceed further with the present case against each other. I made a statement without any pressure, coercion or any inducement. I submit the photocopy of my adhar card and fixed my photo on it duly attested by me.”

Similar statements were also made by respondent No.3, who is injured in the case before learned Magistrate on 25.02.2019.

Learned State counsel and learned counsel for respondents No.2 and 3 have also not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners 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 DDR No.29 dated 26.11.2018 under Sections 323, 324, 148 and 149 IPC recorded at Police Station Dhilwan, District Kapurthala (Annexure P-1) being cross-case in FIR No.74 dated 26.11.2018 under Sections 323, 354, 452, 506, 148 and 149 IPC registered at Police Station Dhilwan, District Kapurthala and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 10.12.2018 (Annexure P-3) effected between the parties.

May 09, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No