

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-10451-2019 (O&M)

Date of decision : 10.12.2019

Dharminder Singh and another

... Petitioners

VERSUS

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Amit Arora, Advocate,
for the petitioners.

Ms. Rashmi Atri, AAG, Punjab.

Mr. Parminder Singh Kanwar, Advocate,
for respondent No.2.

GURVINDER SINGH GILL, J.(Oral)

The petitioners have approached this Court seeking quashing of FIR No.297, dated 29.11.2018, registered at Police Station Sadar Tarn Taran, District Tarn Taran, under Sections 498-A, 307, 323, 324, 34 of Indian Penal Code, 1860 and all subsequent proceedings emanating therefrom on the basis of a compromise effected between the parties.

Although one of the offences alleged to have been committed, as per FIR, is an offence under Section 307 IPC but in view of the peculiar circumstances of the case, i.e., the accused/petitioner No.1-Dharminder Singh and the complainant, i.e., respondent No.2-Ranjeet Kaur are related being husband and wife and have amicably resolved their issues and are stated to be residing together, this petition for quashing of the FIR is being entertained.

Pursuant to the directions issued by this Court vide order dated

Report of learned Judicial Magistrate 1st Class, Tarn Taran along with copies of the statements of the complainant as well as of the accused, has been received. The complainant -Ranjeet Kaur in her statement has categorically stated that she has settled the matter with accused namely Dharminder Singh and Bhupinder Singh and that she has no objection in case FIR is quashed on the basis of compromise. To a similar effect is the joint statement of the accused.

The petitioner has specifically stated in the petition that petitioner No.1 and respondent No.2 are presently residing together pursuant to the compromise. The aforesaid position is not disputed by Shri Parminder Singh Kanwar, learned counsel representing the complainant.

Learned Judicial Magistrate, 1st Class, Tarn Taran in her report has specifically opined that the compromise between the parties is genuine and has been effected without any pressure or coercion.

In view of the aforesaid compromise and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the present petition is allowed and FIR No.297, dated 29.11.2018, registered at Police Station Sadar Tarn Taran, District Tarn Taran, under Sections 498-A, 307, 323, 324, 34 of Indian Penal Code, 1860 and all subsequent proceedings emanating therefrom are hereby quashed qua the petitioners.

(GURVINDER SINGH GILL)
JUDGE

December 10, 2019
Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No