

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

CRM-M-34703 of 2019 (O&M)

Decided on:- October 03, 2019.

Kulwant Kaur.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Ashok Kumar Khunger, Advocate
for the petitioner.

Mr. Sukhbeer Singh, A.A.G., Punjab.

Mr. Mukesh Kumar Sharma, Advocate
for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of DDR No.29 dated 11.03.2016 under Sections 294, 323 and 506 IPC (Annexure P-4) recorded in FIR No.74 dated 12.03.2016 under Sections 354, 323, 294, 506 and 427 read with Section 34 IPC registered at Police Station Zirakpur, District SAS Nagar (Annexure P-3) along with all subsequent proceedings arising therefrom.

It being a dispute between two family members of a residential Society, this Court vide order dated 06.12.2017 had referred the matter to Dr. Anmol Rattan Sidhu, the then President of Bar Association of this Court, to act as an intervener between the warring parties as the petitioner and the complainant happen to be lawyers by profession.

Thereafter, on July 22, 2019, when this case came up for hearing before this Court, on joint request of learned counsel for the parties, the

matter was referred to the Mediation and Conciliation Centre of this Court and the parties were directed to appear before there on 29.07.2019. Accordingly, the parties had appeared there and a settlement/agreement dated 28.08.2019 has been arrived at between the parties. Paragraph No.6 of the settlement/agreement, which is relevant for the purpose of this petition, is reproduced as under:

“6. That the parties i.e. first party and the second party have settled their dispute amicably on the following terms:

- (i) Both the parties have agreed to settle the dispute amicably and the second party i.e. respondent No.2 is represented by her brother Sh. Mukesh Sharma, Advocate. The authority letter signed by Ms. Prerna Sharma is tagged with this file.*
- (ii) That the present dispute between the parties stands settled and the second party hereby withdraws from the prosecution and has no objection if the present petition is allowed by the Hon’ble High Court in view of the settlement arrived and further both the parties have no objection if the FIR bearing No.74 dated 12.03.2016 under Sections 323, 294, 506 IPC P.S. Zirakpur registered against the respondent No.2/complainant is quashed.*
- (iii) Both the parties further undertake that they will not file any civil or criminal litigation against each other in future with regard to present dispute and the pending matters between them have all been resolved as both the parties are residents of the same society i.e. Penta Homes.”*

Learned counsel for the petitioner states that the petitioner is an accused in the aforementioned D.D.R. and has filed this petition for quashing of the same. Now the matter has been compromised between the parties.

He has further contended that considering the fact that it is a compromise between the parties in its totality, the petitioner shall have no objection in case the aforementioned FIR registered against respondent No.2 at the behest of the petitioner is quashed. The petitioner has filed an affidavit dated 03.10.2019 to this effect stating therein that though no petition for quashing of the FIR No.74 dated 12.03.2016 under Sections 354, 323, 294, 506 and 427 read with Section 34 IPC registered at Police Station Zirakpur, District SAS Nagar has been filed by respondent No.2, but the petitioner undertakes that as and when such petition is filed by respondent No.2, the petitioner will appear before this Court and will give statement that she has no objection for the quashing of the aforesaid F.I.R. She has specifically mentioned in the affidavit that she has got no objection if the aforesaid F.I.R. is quashed by this Court even in her absence. The affidavit is taken on record.

Learned State counsel and learned counsel for respondent No.2-complainant have not disputed the factum of compromise.

In view of the above, continuation of the proceedings before the trial Court in the instant D.D.R. qua the petitioner shall be an abuse of the process of law as the matter has been settled between the parties.

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 11.03.2016 under Sections 294, 323 and 506 IPC (Annexure P-4) recorded in FIR No.74 dated 12.03.2016 under Sections 354, 323, 294, 506 and 427 read with Section 34 IPC registered at Police Station Zirakpur, District SAS Nagar (Annexure P-3) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of settlement/agreement dated 28.08.2019 arrived between the parties before the Mediation and Conciliation Centre of this Court.

At this stage, Mr. Ashok Kumar Khunger, learned counsel for the petitioner undertakes that either the petitioner would come present in Court or she would give a power of attorney in favour of the person, who can depose on her behalf as and when the petition for quashing of the aforesaid FIR on the basis of compromise would be filed by respondent No.2.

Accordingly, the petitioner shall be bound by the aforesaid statement made by her counsel and in the event of filing of petition for quashing of the aforesaid FIR by respondent No.2, this Court can take note of the affidavit dated 03.10.2019 filed by the petitioner, which has been made part of record.

October 03, 2019

Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No