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

CRM-M-45387-2018 (O&M)

Date of decision:29.04.2019

JATINDER KAUR @ DIMPLE & ANR.

... Petitioners

versus

STATE OF PUNJAB & ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Varinder S. Rana, Advocate,
for the petitioners.

Mr.Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

Mr. Hemender Goswami, 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 F.I.R. No.138 dated 01.10.2013 registered under Sections 323, 341, 451, 354 of IPC at Police Station Shimlapuri, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 17.09.2018 (Annexure P-2).

This Court vide order dated 12.10.2018 had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Ludhiana and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 14.02.2019 to the effect that the compromise is genuine and has been effected between the parties without any pressure or coercion.

Respondent No.2-complainant, namely, Gurmeet Kaur has made her statement with regard to compromise before learned Magistrate on 12.11.2018. The same is reproduced as under:-

“I have compromised with accused namely Jatinder Kaur @ Dimple D/o. Charanjit Singh and Charanjit Singh s/o. Gurnam Singh both R/o.5259, Street No.1, New Shimlapuri, Ludhiana in FIR No.138 dated 01.10.2013, under Sections 323, 354, 341, 34 IPC, P.S. Shimlapuri, District Ludhiana voluntarily without any pressure or any coercion or undue influence from any part. Our written compromise has already been placed on file before the Hon'ble High Court which is genuine and the original of the same is Ex.C1. I do not want to prosecute the accused in the present FIR. I have no objection if the present FIR may kindly be quashed against the accused.”

Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

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***, this petition is allowed and F.I.R. No.138 dated 01.10.2013

Shimlapuri, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 17.09.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

29.04.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No