

287.

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

CRM-M-30100-2019

Date of decision: 30.10.2019

JATINDER SINGH AND ANR

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

Ms. Jasleen Kaur Sidhu, AAG, Punjab,
for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.0167 dated 28.11.2017 registered under Sections 363 and 366 of IPC at Police Station Majitha, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise arrived at between the parties.

This Court vide order dated 18.07.2019 had directed the parties to appear before the Illaqa Magistrate/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, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 09.09.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any pressure or coercion.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Kawaljit Kaur but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 20.08.2019. The same is reproduced as under:-

“Stated that FIR No.167 dated 28.11.2017 (wrongly written as 14.11.2017) u/s. 363, 366 IPC at Police Station Majitha has been registered on my statement. I have compromised the matter with the accused Jatinder Singh @ Raja s/o Paramjit Singh r/o Village Ram Dewali Musalmana, P.S. Matewal, Tehsil Baba Bakala, Distt. Amritsar and Rajbir Kaur w/o Shamsher Singh r/o Village Ram Dewali Musalmana, Tehsil Baba Bakala, Distt. Amritsar, as mentioned in the FIR No.167 dated 28.11.2017 (wrongly written as 14.11.2017) u/s. 363, 366 IPC at Police Station Majitha out of my free will and consent and without any pressure, threat, coercion or undue influence. My compromise with accused is genuine and voluntary one. There are only two accused in the present case as per the said FIR. None of the abovementioned accused are proclaimed offender in the present case. I produce self attested copy of my Aadhar Card which is Ex.C1. ”

Learned State counsel, on instructions from ASI Mukhtiar Singh, states that the parties have solemnized marriage and they are staying together as husband and wife and out of this wedlock, a child has been born to them.

Considering the fact that the matter has been compromised between the parties, 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.0167 dated 28.11.2017 registered under Sections 363 and 366 of IPC at Police Station Majitha, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise arrived at between the parties.

(HARI PAL VERMA)
JUDGE

30.10.2019

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