

286.

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

CRM-M-31762-2019

Date of decision: 13.11.2019

SUMAN RANI

... Petitioner

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ramandeep, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab,
for respondent No.1.

None 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.125 dated 08.07.2019 registered under Section 365 of IPC (lateron Section 365 IPC deleted and Section 307 IPC added) at Police Station Samana, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 22.07.2019 (Annexure P-2).

This Court vide order dated 26.07.2019 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 Sub Divisional Judicial Magistrate, Samana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 24.09.2019 to the effect that compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Gurpreet Singh but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 26.08.2019. The same is reproduced as under:-

“That the present case i.e. FIR No.125 dated 08.07.2019 U/S 307 IPC Police Station: Sadar Samana has been registered on my statement against accused Suman Rani wife of Gurpreet Singh resident of village Rogla, P.S. Dirba, District Sangrur. Now the matter has been compromised between me and accused. The compromise has been effected with the accused with my own sweet will, consent and without any coercion, fear and pressure from any side. Only Suman Rani has been arrayed as accused in the present FIR. Now I do not want to pursue the present FIR against accused. As such, the present FIR may kindly be quashed against accused.”

Counsel for the petitioner has argued that it is on the basis of extra judicial confession allegedly made by the petitioner before Gurcharanjit Singh, the petitioner has been named as an accused in the FIR. However, in the FIR, there is no such allegation against the petitioner. He states that the petitioner-Suman Rani and respondent No.2-Gurpreet Singh

are wife and husband and are staying together. He further states that no such injury has been caused to Pushpreet which may invoke the offence under Section 307 IPC.

In view of above, the matter having 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.125 dated 08.07.2019 registered under Section 365 of IPC (lateron Section 365 IPC deleted and Section 307 IPC added) at Police Station Samana, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 22.07.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

13.11.2019
sanjeev

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