

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

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CRM-M No.11449 of 2020

Date of Decision: September 23rd, 2020

Gurwant Singh and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Balwinder Singh, Advocate
for the petitioners.

Mr. B.S. Sewak, Additional Advocate General, Punjab.

Mr. Hoshiar Singh, Advocate
for respondent No.2.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASI, J. (ORAL)

In compliance with the order passed by this Court on 16.09.2020, an amount of ₹5,000/- stands deposited with the Punjab and Haryana High Court Bar Association, Chandigarh Disaster Management Relief Fund.

Prayer in this petition is for quashing of FIR No.142 dated 28.12.2019 registered under Sections 323, 341, 307, 304-B, 498-A, 511, 34 IPC at Police Station Mullanpur, District SAS Nagar Mohali and all subsequent proceedings arising out of the same in the light of the compromise, which has been entered into between the parties on 29.02.2020 (Annexure P-2).

It is asserted by the counsel for the petitioners that this was primarily a matrimonial dispute between Gurwant Singh-petitioner No.1, who is the husband of complainant namely Puja Devi-respondent No.2. With the intervention of the respectables, a mutual agreement has been entered into between them before the Panchayat on 29.02.2020 (Annexure P-2). In pursuance to the said compromise, complainant Puja Devi-respondent No.2, is

at present residing in her matrimonial home with the petitioner happily. She does not want to pursue the FIR, which was registered and has no objection in case the said FIR is quashed, as has been prayed for in the present petition. Counsel for respondent No.2 acknowledges not only the factum of compromise but also states that the complainant-respondent No.2 is at present residing in her matrimonial home.

On 18.03.2020, when this case came up for hearing, this Court had directed the parties to appear before the trial Court/Illaqa Magistrate on 01.05.2020 or any other date convenient to the said Court to get recorded the statements of the parties regarding the compromise. The report was also required to be submitted by the concerned Court regarding the genuineness of the compromise and also as to whether the said compromise has been entered into between the parties amicably, without any coercion or undue influence. Intimation was also required to be given as to whether any proceedings for declaring an accused as a proclaimed offender have been initiated or pending.

In pursuance to the order passed by this Court, referred to above, parties appeared before the Judicial Magistrate Ist Class, Kharar, who recorded their statements. On the basis of the statement, which have been given by the parties, the Court has opined that the compromise entered into between the parties is voluntary and genuine without any undue influence or without any pressure. It has also been stated that the complainant has no objection in case the prayer made in this petition for quashing of the FIR is accepted.

Today again, the counsel for the petitioners as well as the counsel for the complainant acknowledge the factum that the parties are residing together after the settlement and there is no dispute as of now.

Counsel for the complainant states that the complainant has no

objection in case the present FIR is quashed along with all consequential proceedings arising therefrom.

Having considered the submissions made by the counsel for the parties and especially the report dated 18.06.2020 of the Judicial Magistrate Ist Class, Kharar, wherein it has been said that the compromise, which has been entered into between the parties is voluntary and genuine, the present petition deserves to be allowed in the light of the law laid down by Hon'ble Supreme Court in ***Criminal Appeal No.1723 of 2017*** titled as ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur & others Versus State of Gujarat & another***, decided on 04.10.2017, ***Narinder Singh and others Versus State of Punjab 2014 (2) RCR (Criminal) 482*** and the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052***

Ordered accordingly.

FIR No.142 dated 28.12.2019 registered under Sections 323, 341, 307, 304-B, 498-A, 511, 34 IPC at Police Station Mullanpur, District SAS Nagar Mohali and all subsequent proceedings arising out of the same, are hereby quashed.

September 23rd, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No