

CRM-M-12149-2020 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CRM-M-12149-2020 (O&M)

Date of Decision: 30th July, 2020

Rekha Jangra & another

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present Mr. Dharam Bir Bhargav, Advocate
for the petitioners.

Mr. B.S. Sewak, Addl. A.G., Punjab.

None for the complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0031 dated 19.02.2020, under Sections 323, 452, 506 and 34 of the Indian Penal Code (hereinafter referred to as 'IPC'), registered at Police Station Sirhind, District Fatehgarh Sahib, (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 07.05.2020 (Annexure P-2) entered into between the parties.

On 12.05.2020, following order was passed:-

“By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.0031 dated 19.02.2020 (Annexure P-1) for offence punishable under Sections

323, 452, 506 read with Section 34 of the Indian Penal Code, 1860 registered with Police Station Sirhind, District Fatehgarh Sahib and proceedings emanating therefrom on the basis of compromise (Annexure P-2) arrived at between the parties.

Counsel for the petitioners states that none of the petitioners has been declared as proclaimed offender nor any proceedings in this regard are pending.

Notice of motion for 07.07.2020.

Ms. Samina Dhir, DAG, Punjab, accepts notice on behalf of respondent-State.

The parties are directed to appear before the Illaqa Magistrate for recording their statements qua compromise on 27.05.2020.

Illaqa Magistrate is also directed to submit a report on or before the next date of hearing containing the following information:-

- 1) Number of persons arrayed as accused.
- 2) Whether any accused is proclaimed offender.
- 3) Whether the compromise is genuine, voluntary and without any coercion or undue influence.”

Since the parties could not appear before the Illaqa Magistrate because of the prevailing pandemic on the date fixed, the said date was extended and the parties were directed to appear before the Illaqa Magistrate on 16.07.2020 for recording their statements.

Parties did appear before the Additional Chief Judicial Magistrate, Fatehgarh Sahib, where the statements of the parties were recorded. On the basis of the statement given by the parties, report from the Additional Chief Judicial Magistrate, Fatehgarh Sahib, dated 16.07.2020,

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forwarded on 18.07.2020, has been received. The operative part of the said report reads as follows:-

“From the above statements of both the parties as well as of the IO so recorded by me, the report, as desired, is being submitted hereunder:-

- 1) Only two persons were arrayed as accused i.e. accused Naroop Dass @ Roop and Rekha Rani.
- 2) As stated by the IO, none of the accused has been declared as Proclaimed Offender.
- 3) As stated by both the parties, the compromise is genuine, voluntarily and without any coercion or undue influence.”

In view of the above, it is apparent that the compromise which has been entered into between the parties, dated 03.03.2020, notarized on 07.05.2020 (Annexure P-2) is genuine. The matter has been amicably resolved between the parties. No useful purpose would be served by proceeding further in the matter.

In the light of the above and the ratio of judgment of the Hon'ble Supreme Court in ***Criminal Appeal No.1723 of 2017***, titled as ***'Parbatbhai Aahir @ Parbhabhai Bhimsinhbhai Karmur & others Vs. State of Gujarat & another***, decided on 04.10.2017 and in the judgment of ***Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482*** as also the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052***, the present petition is allowed. FIR No.0031 dated 19.02.2020, under Sections 323, 452, 506 and 34 of IPC, registered at Police Station Sirhind, District Fatehgarh Sahib, (Annexure P-1) along with

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all subsequent proceedings arising therefrom are hereby quashed qua the present petitioners only.

30th July, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No