

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

275

CRM-M-20209-2019

Date of Decision:24.02.2020

Sadiq and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Vaibhav Narang, Advocate,
for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. Subhash Chand, Advocate,
for respondent Nos.2 to 4.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0006 dated 13.01.2018 under Sections 365, 506, 148, 149 IPC, registered at Police Station Khilchian, District Amritsar Rural (Annexure P-2) and all the consequential proceedings arising therefrom on the basis of compromise dated 23.04.2019 (Annexure P-1).

This Court vide order dated 03.05.2019 had directed the parties to appear before the Illaqa Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise. However, statement of the parties could not be recorded as they failed to appear before the learned Magistrate to get their statements recorded. Again vide order dated 22.07.2019, one more opportunity was granted to the parties to get their statement recorded, in terms of the order dated 03.05.2019 passed by this Court and learned Magistrate was directed

to forward the report to this Court.

Pursuant to the aforesaid order, parties have appeared before learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 07.09.2019 to the effect that the compromise has been entered into between the parties voluntarily, out of their free will and without any pressure or coercion and the same appears to be genuine.

Respondent No.2-complainant, namely, Makhan Deen and respondent No.3-Amina and respondent No.4-Reshma have made a joint statement with regard to compromise before learned Magistrate on 06.09.2019. The same is reproduced as under:-

“Stated that above said FIR No. 06/18 was registered on our statements against Sadiq son of Mamdin, resident village Kathu Nangal, Haji Mam Din son of Baj Din, resident of Gehri Mandi, Jandiala Guru, Amritsar, Firozdeen son of Obajdin resident of Loharka Road, Bye pass Amritsar, Sawaroo @ Swardeen son of Gulam Rasool @ Sula, resident of Jhita Kalan, Amritsar, Faroj Din son of Gardia @ Hazi Gao resident of village Anaitpura District Amritsar, Kareen son of Sula @ Gulam Rasool resident of village Anaitpura District Amritsar, Makhan son of Gardia @ Hazi Gao, resident of village Anaitpura District Amritsar, Hazi Sami son of Bajdin resident of Basambura, District Tarn Taran, Rani wife of Sadiq village Kathu Nangal District Amritsar. Now we have compromised the matter with the above said accused persons with the intervention of respectable persons. Compromise has been effected without any pressure on parties and without any coercion and with free will of the parties of all disputes. All accused are not proclaimed offender in this case. We have not any objection if FIR No. 06/18 Dated 13.01.2018 has been

quashed.”

Learned counsel for the petitioners states that respondent No.3-Amina has solemnized marriage with respondent No.2-Makhan Deen and they are staying together and this fact is not disputed by learned counsel for respondent Nos.2 to 4.

Learned State counsel has also 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.

Thus, 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*, as 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 FIR No.0006 dated 13.01.2018 under Sections 365, 506, 148, 149 IPC, registered at Police Station Khilchian, District Amritsar Rural (Annexure P-2) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 23.04.2019(Annexure P-1) subject to payment of costs of ₹9,000/- to be deposited by the petitioners within a period of one month from today with **Govt. Medical College, Amritsar** and the said amount shall be utilized on the treatment of poor patients within the knowledge of its Medical Superintendent.

February 24, 2020
seema

(HARI PAL VERMA)
JUDGE

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