

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Decided on : 21.01.2020

CRM-M-42628-2015

Rajinder Singh Rana & ors.

..... Petitioners

Versus

State of Punjab & anr.

..... Respondents

CRM-M-21150-2019

Anita Kumari

..... Petitioner

versus

State of Punjab & anr.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. T.S.Sangha, Sr. Advocate with
Mr. B.K.Mehta, Advocate
for the petitioner in CRM-M-42628-2015.

Mr. C.S.Rana, Advocate
for the petitioner in CRM-M-21150-2019.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. Karan Padam, Advocate
for respondent No.2 in CRM-M-21150-2019.

Manjari Nehru Kaul, J.

This order will dispose off the two petitions i.e CRM-M-42628-2015 for quashing the FIR No.173 dated 07.07.2014 registered under Section 306 IPC at Police Station Rama Mandi, Jalandhar and CRM-M-21150-2019 whereby quashing the criminal complaint No.2351 dated

14.11.2014 has been prayed for. Brief facts of the case are taken from CRM-M-42628-2015.

A prayer has been made for quashing criminal complaint No.2351/2014 dated 14.11.2014 registered under Sections 498-A/406 IPC (Annexure P-1), summoning order dated 19.09.2015 (Annexure P-2) and the subsequent proceedings arising therefrom as it has been urged that the same was registered as a counterblast to the lodging of FIR No.173 dated 07.07.2014 registered under Section 306 IPC at Police Station Rama Mandi City Jalandhar (Annexure P-3). It has been contended by the learned counsel for the parties that the parties have effected a compromise dated 06.05.2019.

It would be pertinent to mention that vide order dated 23.04.2018, this Court had referred the parties to Mediation and Conciliation Centre of this Court to explore the possibility of an amicable settlement between the parties. Though the mediation proved to be futile at that time, however, subsequently the parties amicably settled the matter. It was then vide order dated 23.07.2019 passed in CRM-M-21150-2019, this Court had directed the parties to appear before the learned trial Court/Illaq Magistrate on 29.07.2019 to get their statements recorded regarding the compromise arrived at, between them.

Report dated 09.08.2019 along with statements of the parties including the complainants in both the cases have since been received from the learned JMIC, Jalandhar, in pursuance to the direction of this Court. As

per the report, compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will.

Learned State counsel also submits that the dispute is private in nature and petitioner(s) and respondent No.2 are the only aggrieved persons in the FIR as well as in the complaint in question.

In view of the report of the JMIC, Jalandhar and the principles laid down by the Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*, and also by the Constitutional Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, the instant petition(s) is allowed. The aforesaid FIR and the criminal complaint and all consequential proceedings arising out of them, are quashed.

Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

21.01.2020
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No