

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

280

CRM-M-28444-2019

Date of Decision:06.02.2020

Balwant Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

**Present: Mr. Prateek Pandit, Advocate,
for the petitioner.**

Ms. Ruchika Sabharwal, AAG, Punjab.

**Mr. Nitin Rampal, Advocate,
for respondent Nos.2 and 3.**

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.123 dated 07.08.2013 under Sections 363, 366-A IPC (the offence under Section 120-B IPC was added later on), registered at Police Station Kotwali, District Kapurthala(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 19.06.2017 (Annexure P-3).

Vide order dated September 16, 2019, while considering the contention made by learned counsel for the petitioner that the proceedings regarding declaring the petitioner as proclaimed offender were held in abeyance in CRM-M-40331 of 2015 titled as **Balwant Singh Versus State of Punjab and others** and the matter having been compromised between the parties, this Court had directed the parties to appear before the trial

Court/Illaq Magistrate 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 Judicial Magistrate 1st Class, Kapurthala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 18.01.2020 to the effect that the compromise effected between the parties is genuine, voluntarily and without any coercion and undue influence.

Respondent No.3-Baljit Kaur, who is wife of the petitioner and is staying with him along with their son, has made a statement with regard to compromise before learned Magistrate on 01.11.2019. The same is reproduced as under:-

“It is stated that a case FIR No.123 dated 07.08.2013 under Section 363, 366-A, 120-B IPC, P.S. Kotwali, District Kapurthala, was registered against Karamjit Singh S/o Karnail Singh, Yugraj Singh S/o Dilbag Singh, Dilbag Singh S/o Karnail Singh, Balwant Singh S/o Karamjit Singh, all R/o Village Khangarh, Post Office Khukhran, Tehsil and District Kapurthala and Inderjit Singh S/o Mohinder Singh resident of village Sarupwal, Tehsil Sultanpur Lodhi, District Kapurthala on the statement of my mother namely Harjit Kaur. Thereafter challan was present in the said FIR by the police against the accused Karamjit Singh S/o Karnail Singh, Yugraj Singh S/o Dilbag Singh, Dilbag Singh S/o Karnail Singh, all R/o Village Khangarh, Post Office Khukhran, Tehsil and District Kapurthala and Inderjit Singh S/o Mohinder Singh resident of village Sarupwal, Tehsil Sultanpur Lodhi, District Kapurthala. However all these accused have been acquitted by the Court of Hon'ble Shri Lalit Kukar Singla, Addl. Sessions Judge, Kapurthala vide judgment dated 30.07.2015. I had performed marriage with Balwant Singh with my free will and without any pressure. I was major at the time of my marriage and out of this marriage one male child namely Dilpreet Singh has born on 10.11.2015. Accused Balwant Singh is my husband and we are living happily. As per my mother statement got

recorded to the police I was victim although I voluntarily had left my house. It is further stated that compromise has been effected between my mother and us with the intervention of the respectables voluntarily without any undue influence, coercion in order to keep peace and harmony, love and affection with each other. I have no objection if the proceedings of the said FIR qua accused Balwant Singh be quashed.”

Apart from above, a similar statement has also been made by complainant-respondent No.2-Harjit Kaur, whereby she has shown no objection to the present FIR being quashed.

Learned State counsel as well as learned counsel for respondent Nos.2 and 3 have 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.123 dated 07.08.2013 under Sections 363, 366-A IPC (the offence under Section 120-B IPC was added later on), registered at Police Station Kotwali, District Kapurthala(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 19.06.2017 (Annexure P-3).

February 06, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No