

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

**CRM-M-41319 of 2019
Date of Decision:-04.02.2020**

Ravinder Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Peeush Gagneja, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

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

JASGURPREET SINGH PURI J.(Oral)

Through this petition, filed under Section 482 Cr.P.C., the petitioner has prayed for quashing of FIR No. 213 dated 21.11.2015, under Sections 452, 323, 427 IPC, registered at Police Station City Kotkapura, District Faridkot (Annexure P-1) and the proceedings arising therefrom, on the basis of the compromise dated 07.9.2019 (Annexure P-2) entered into between the parties.

The present FIR was lodged at the behest of respondent No.2- Tejinder Kaur with the allegations that there was a scuffle between the petitioner and respondent No.2 that resulted in giving beating, slapping and

fist blows to the complainant. Learned counsel for the petitioner has argued that in the present case it was only a scuffle and no injury has been caused to anybody and thereafter an amicable settlement was made between petitioner and respondent No.2 vide Annexure P-2 and the matter has been compromised and they do not wish to pursue the litigation.

Learned State counsel has stated that in the present case the FIR has been lodged and challan has been presented. He does not dispute the factum of compromise between the parties and also does not dispute the fact that the matter does not fall in the category of serious and heinous offence.

Learned counsel appearing for respondent No.2 states that the compromise has been arrived between the parties voluntarily without any fear or coercion and respondent No.2 has no objection if the FIR in question is quashed qua petitioner.

On 18.11.2019, this Court had directed the parties to appear before the learned trial Court for recording their statements with regard to the above stated compromise. Learned Judicial Magistrate 1st Class, Faridkot has filed her report in this regard after recording of the statements of the parties. It has been stated in the report that the complainant/respondent No.2 Tejinder Kaur and the petitioner/accused Ravinder Kaur have appeared before the Trial Court/Duty Magistrate and recorded their statements on 04.12.2019 in compliance of the order passed by this Court. It is further submitted in the report that the complainant/respondent No.2 Tejinder Kaur recorded her statement to the effect that a compromise has been effected with the accused/petitioner with

the help of Panchayat, respectable and relatives. The compromise has been effected between them with their free will and without any coercion or fraud. It is further stated that both the parties agree with the quashing petition filed before the High Court. The compromise is for welfare of both the parties. It is further stated that she does not want to proceed against the accused and has no objection if the present case is quashed against the accused. Petitioner/accused Ravinder Kaur also made her statement with regard to compromise and that no other proceeding is pending against her.

Although in the report it has not been stated that as to whether any other case is pending against the petitioner or petitioner has ever been declared proclaimed offender, however, learned State counsel on instructions from ASI Chamkaur Singh stated that there is no other case pending against the petitioner and that he has not been declared proclaimed offender.

I have heard learned counsel for the parties, perused the compromise as well as report of the learned Illaqa Magistrate.

As per report, the matter has amicably been settled between the parties without any undue influence or coercion and as per the report of learned Illaqa Magistrate, the compromise is voluntarily in nature. As per facts and circumstances of the present case, wherein in fact only a scuffle between both the parties, who are stated to be neighbours, taken place and no injury has been caused or attributed to anyone. In the present case, since the Magistrate has already recorded his satisfaction with regard to the amicable settlement which was done without any coercion and influence, this Court deem it appropriate to interfere in the present petition. The law

with regard to quashing of FIR on the basis of settlement in such like cases has been settled by this Court in a Full Bench judgment in **Kulwinder Singh and others Vs. State of Punjab, 2007 (3) RCR (Criminal) 1052** and **Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543.**

In view of the law laid down by this Court and in view of the totality of facts and circumstances of the present case, I deem it appropriate that since the case does not fall within the category of serious and heinous crime, the present FIR No. 213 dated 21.11.2015, under Sections 452, 323, 427 IPC, registered at Police Station City Kotkapura, District Faridkot is hereby quashed qua the petitioner alongwith all the consequential proceedings arising therefrom.

The petition stands allowed.

February 04, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No