

231.

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

CRM-M-28793-2020

Date of decision: 10.03.2021

Usha Rani

... Petitioner

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Sheenam Kamboj, Advocate, for
Mr. Dheeraj Mahajan, Advocate,
for the petitioner.

Mr. Manreet Singh Nagra, A.A.G., Punjab,
for respondent No.1.

Mr. Rajesh Kapila, Advocate,
for respondent No.2.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of Calandra under Section 182 IPC (Annexure P-1) registered vide DDR No.63 dated 11.06.2019 at Police Station City Gurdaspur (Annexure P-2) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-3).

This Court vide order dated 03.12.2020 had directed the parties to appear before the learned 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 Chief Judicial Magistrate, Gurdaspur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 14.01.2021 to the effect that the compromise is genuine and has been effected between the parties voluntarily and without any pressure.

Respondent No.2-complainant, namely, Shammi Kumar has made his statement with regard to compromise before learned Magistrate on 12.01.2021. The same is reproduced as under:-

“Stated that the present case was got registered by me under Section 182 IPC at Police Station City Gurdaspur against petitioner (my wife). Petitioner/accused Usha Rani was only named by me in police statement. Now the compromise has been arrived at between me and the petitioner. The compromise has been arrived at without any undue influence, inducement, threat or without any pressure. I have no objection, if the Calandra in question is quashed on the basis of compromise. Photocopy of my adhar card is Annexure-C1.”

Learned State counsel as well as learned counsel for respondent No.2 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 case.

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*** and 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 Calandra under Section 182 IPC

(Annexure P-1) registered vide DDR No.63 dated 11.06.2019 at Police Station City Gurdaspur (Annexure P-2) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise (Annexure P-3).

(HARI PAL VERMA)
JUDGE

10.03.2021
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No