

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

CRM-M-29519 of 2020.

Decided on:- March 01, 2021.

Surinder Pal and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Prabhjot Singh, Advocate for
Mr. Amit Dhawan, Advocate
for the petitioners.

Mr. Sandeep Kumar, D.A.G., Punjab.

Mr. Arpan Sabharwal, Advocate
for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of cross-version in DDR No.66 dated 04.12.2018 under Sections 323, 148 and 149 IPC (Section 325 IPC was added later on) recorded in FIR No.293 dated 02.12.2018 under Sections 448, 511 and 380 IPC registered at Police Station Division No.8, District Police Commissionerate, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed/agreement dated 18.06.2020 (Annexure P-3).

This Court vide order dated 24.09.2020 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective

statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the parties had appeared before learned Judicial Magistrate 1st Class, Jalandhar and got their statements recorded on 12.10.2020. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 09.11.2020 to the effect that the compromise seems to be genuine, voluntary and without any coercion or undue influence.

Respondent No.2 Kewal Krishan is the husband of complainant Gurbachan Kaur (since deceased). He has made a statement with regard to compromise before learned Magistrate on 12.10.2020. The same is reproduced as under:

“Stated that I have compromised the matter with the accused in the FIR no. 293 dated 02.12.2018 u/S 325,323,148, 149 IPC registered with PS Div. no.8, Jalandhar on statement of my wife late Gurbachan Kaur. I have compromised the matter with my own sweet will without any threat, pressure or coercion from any side. I have no objection if the FIR stated above recorded on statement of my wife late Gurbachan Kaur be quashed by Hon'ble High Court. I am making present statement without any threat and pressure from any side. Self attested photocopy of my Adhar card is Ex.PZ4 (original seen and returned). Copy of Death Certificate of Gurbachan Kaur is Ex. PZ5 and compromise Ex. PZ6.”

Learned State counsel and learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant DDR qua the petitioners shall be an abuse of the process of law.

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* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, the present petition is allowed and the of cross-version in DDR No.66 dated 04.12.2018 under Sections 323, 148 and 149 IPC (Section 325 IPC was added later on) recorded in FIR No.293 dated 02.12.2018 under Sections 448, 511 and 380 IPC registered at Police Station Division No.8, District Police Commissionerate, Jalandhar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed/agreement dated 18.06.2020 (Annexure P-3).

March 01, 2021
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No