

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-24399-2021 in/and
CRM-M-33624-2019
Date of Decision: 13.08.2021

Balbir Kaur and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr. A.P. Kaushal, Advocate,
for the applicant-petitioners.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. R.S. Dhillon, Advocate,
for respondent No.2.

(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual Court).

ARUN PALLI, J. (Oral):
CRM-24399-2021

For the reasons set out in the application, which are duly
supported by an affidavit, the same is allowed. Consequently, date of
hearing is preponed to today, i.e. 13.8.2021.

Application stands disposed of.

Main case

Vide this petition under Section 482 of Cr.P.C, the petitioners
pray for quashing of FIR No. 136 dated 20.12.2017 under Sections
323/324/379/34 of the Indian Penal Code, registered at Police Station Sadar
Haryana, District Hoshiarpur, and all consequential proceedings, for the
dispute between the parties stands resolved and a compromise dated

17.7.2019 (Annexure P-2), has since been effected.

Vide order dated 20.8.2019, a Co-ordinate Bench of this Court had required the parties to appear before the Illaqua Magistrate/Trial Court on 18.9.2019, to have their statements recorded as regards the execution and veracity of the alleged settlement/compromise. And, the trial Court was directed to submit a report in terms of the said order.

Accordingly, vide letter No.171 dated 11.10.2019, the report, along with the statements of the parties in original, has been submitted by the Judicial Magistrate 1st Class, Hoshiarpur, which reads thus:

“(i & ii) from the statements of both complainant Amandeep Singh as well as accused persons, the compromise effected between the parties appears to be bonafide, voluntary, genuine, lawful and without any kind of pressure, undue influence, coercion and fear from any side.

(iii) that as per the report of challan U/S 173 Cr.P.C., the complainant Amandeep Singh and accused namely Balvir Kaur, Surinder Kaur and Rattan Singh are parties to the compromise.

(iv) that in compliance of order dated 20.8.2019 passed by Hon'ble High Court, the parties to compromise furnished affidavits that no criminal case except present FIR is pending against either party. Moreover, a report from concerned police station also called through SHO. As per the report submitted by concerned SHO, PS Haryana, except present FIR No. 136 dated 20.12.2017 for offence U/S 323,324,379,34 IPC, PS Haryana, no other case is pending against either party to compromise.

(v&vi) that as per proceedings on file and report under Section 173 Cr.P.C., it is submitted that none of the accused has been declared a proclaimed offender and is

previous convicts.”

In the wake of the above, and upon being pointedly asked, even the learned State counsel submits that State would have no objection if the FIR (*ibid*) is quashed.

At this stage, it would be apposite to even refer to the decision of the Supreme Court in Gian Singh Vs. State of Punjab and Another 2012 (10) SCC 303 and also the judgment of this Court in Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) RCR (criminal) 1052, wherein it was concluded that in matters concerning non-compoundable offences, if the parties have reached a compromise, this Court has wide powers under Section 482 of Cr.P.C. to quash the proceedings to secure the ends of justice.

Accordingly, the petition is allowed. FIR No. 136 dated 20.12.2017 under Sections 323/324/379/34 IPC, registered at Police Station Sadar Haryana, District Hoshiarpur, and all consequential proceedings arising therefrom, are quashed

(ARUN PALLI)
JUDGE

13.08.2021

AK Sharma

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