

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

CRM-M-38764 of 2020.

Decided on:- February 03, 2021.

Paramjit Kaur and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Petitioner No.3 Harjinder Singh @ Pappu in person.

HARI PAL VERMA, J. (Oral)

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

The petitioners have filed the present petition under Section 482 Cr.P.C. for quashing of FIR No.101 dated 15.10.2020 under Sections 324, 323, 148 and 149 IPC (Section 326 IPC was added later on) registered at Police Station Purana Shalla, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 04.11.2020 (Annexure P-2).

This Court vide order dated 24.11.2020 had directed the parties to appear before the Illaqa Magistrate/Duty 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 dated 24.11.2020 passed by this Court, the petitioners as well as respondent No.2-complainant Kawaldeep Singh had appeared before learned Judicial Magistrate 1st Class, Gurdaspur and got their statements recorded on 15.12.2020. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 18.12.2020 with regard to the compromise effected between the parties to the effect that the compromise is genuine one, because both the parties have assembled in the Court and have made statements voluntarily.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Kawaldeep Singh. He has already made a statement before learned Magistrate in support of the compromise on 15.12.2020, which reads as under:

“Stated that with the intervention of respectables I have entered into compromise with the petitioners/accused persons namely Paramjit Kaur wife of Kawaldeep Singh, Harjinder Singh @ Pappu son of Jaswant Singh, Sandeep Singh @ Tibri son of Harwinder Singh, Sharanjit Kaur wife of Harwinder Singh, Jagdeep Singh @ Jaggi son of Harjinder Singh, all residents of Village Jagatpur Kalan, Tehsil and District Gurdaspur and Mandeep Kaur daughter of Harwinder Singh resident of village Harchowal, Tehsil Batala, District Gurdaspur, in FIR No.101 dated 15.10.2020 under Section 324, 323, 148, 149 IPC (326 IPC added later on) registered at Police Station Purana Shalla, District Gurdaspur which was got registered by victim/complainant/first informant Kawaldeep Singh against accused persons/petitioners at Police Station Purana Shalla. The petition for quashing of present FIR No.101 dated 15.10.2020 under Section 324, 323, 148, 149 IPC (326 IPC added later on) registered at Police Station Purana Shalla,

District Gurdaspur has been filed by accused persons in the Hon'ble Punjab and Haryana High Court at Chandigarh and vide order dated 24.11.2020 in CRM-M No.38764 of 2020, the parties have been directed to record statements before this learned Court. The compromise effected by us is genuine and without any pressure, coercion and undue influence and I have compromised with my own sweet will. It is further stated no other criminal proceeding is pending between us and accused persons. I have no objection if the FIR No.101 dated 15.10.2020 under Section 324, 323, 148, 149 IPC (326 IPC added later on) registered at Police Station Purana Shalla, District Gurdaspur is quashed against the accused persons namely Paramjit Kaur wife of Kawaldeep Singh, Harjinder Singh @ Pappu son of Jaswant Singh, Sandeep Singh @ Tibri son of Harwinder Singh, Sharanjit Kaur wife of Harwinder Singh, Jagdeep Singh @ Jaggi son of Harjinder Singh, all residents of Village Jagatpur Kalan, Tehsil and District Gurdaspur and Mandeep Kaur daughter of Harwinder Singh resident of village Harchowal, Tehsil Batala, District Gurdaspur. I have placed on record copy of my Aadhar Card Ex.C1 as my identity proof."

In view of the above, this Court finds that there is no impediment in quashing of the FIR in question qua the petitioners. In fact, continuation of the proceedings before the trial Court in the instant FIR 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 FIR No.101 dated

15.10.2020 under Sections 324, 323, 148 and 149 IPC (Section 326 IPC was added later on) registered at Police Station Purana Shalla, District Gurdaspur (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 04.11.2020 (Annexure P-2).

Since the present order is being passed in the absence of respective lawyers of the parties, in case either party finds that any prejudice has been caused to them, they shall be at liberty to seek revival of the present petition.

February 03, 2021
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No