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

CRM-M No.42529 of 2020(O&M)

Date of Decision:22.03.2021

**RAVINDER KAUR @ RUBI & Ors.
Vs**

.....Petitioners

STATE OF PUNJAB AND Ors

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Ms. Mehak, Advocate for
Mr. Mohit Sadana, Advocate
for the petitioners.

Mr. Rajat Gautam, DAG, Haryana.

Mr. Pankaj Shukla, Advocate
for respondent No.4.

RAJ MOHAN SINGH, J.(Oral)

[1]. Prayer in this petition is for quashing of FIR No.166 dated 02.05.2020 registered under Sections 380, 382, 384, 379-B, 506, 120-B of IPC and 25 of Arms Act, 1959 registered at Police Station City Sangrur, District Sangrur along with all subsequent proceedings arising therefrom on the basis of compromise.

[2]. Notice of motion was issued on 17.12.2020. In the context of genuineness of the compromise, both the parties were directed to appear before the Illaqa Magistrate/trial Court.

The Chief Judicial Magistrate, Sangrur after recording the statements of the parties has submitted its report. The same reads as under:-

“With reference to the subject cited above, I have the honour to submit that vide order dated 17.12.2020 passed by the Hon'ble High Court, parties were directed to appear before Illaqa Magistrate/trial Court to get their statements recorded with regard to the compromise arrived at between them. The trial Court/Illaqa Magistrate has further been directed to submit a report containing the following information as well:-

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is proclaimed offender;*
- 3. The stage of trial/proceedings;*
- 4. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

Complainant Sahil Walia alias Gini has stated that he got registered FIR No.166 dated 02.05.2020 under Sections 379-B, 380, 382, 384, 506 and 120-B IPC and 25/54/59 of Arms Act in Police Station City, Sangrur against accused Ravinder Kaur Rubi, Nirmal Singh alias Fattu, Vijay Kumar alias Ghatola and Akshey. The matter has been voluntarily compromised with accused Ravinder Kaur alias Rubi, Nirmal Singh alias Fattu and Vijay Kumar alias Ghatola without any pressure, coercion or undue influence and out of free will in the above said F.I.R. He has further stated that he has no objection in quashing the F.I.R in question against accused Ravinder Kaur alias Rubi, Nirmal Singh alias Fattu and Vijay Kumar alias Ghatola.

Accused Ravinder Kaur alias Rubi, Nirmal Singh alias Fattu and Vijay Kumar alias Ghatola have also stated that they have compromised the matter voluntarily with complainant Sahil Walia without any pressure, coercion, undue influence in the FIR in

question. They have further stated that they have neither been declared as proclaimed offender nor any proclamation proceeding is pending against them. They have further prayed that the FIR in question may kindly be quashed against them.

ASI Kamaljit Singh, Investigating Officer of present case has stated that F.I.R no.166 dated 02.05.2020, under Sections 379-B, 380, 382, 384, 506,120-B IPC and 25/54/59 Arms Act was got registered on the statement of complainant Sahil Walia against Ravinder Kaur Rubi, Nirmal Singh alias Fattu, Vijay alias Ghatola (petitioners of CRM-M-42529-2020 titled as Ravinder Kaur alias Rubi & Ors. Vs. State of Punjab and others) alongwith Akshey Kumar alias Cheeka. He has further stated that neither any proclamation proceedings is pending against accused Ravinder Kaur Rubi, Nirmal Singh alias Fattu, Vijay alias Ghatola nor they are declared as proclaimed offender. Accused Ravinder Kaur alias Rubi is in custody in the present case whereas accused Nirmal Singh and Vijay Kumar alias Ghatola are on bail. The challan against accused Ravinder Kaur Rubi, Nirmal Singh alias Fattu, Vijay alias Ghatola has already been presented in the Court. He has also stated that accused Akshey Kumar alias Cheeka is yet to be arrested and after his arrest supplementary challan would be presented against him.

It is submitted that as per F.I.R as well as statements of ASI Kamaljit Singh, Investigating Officer and complainant Sahil Walia, F.I.R was got registered against accused Ravinder Kaur Rubi, Nirmal Singh alias Fattu, Vijay alias Ghatola (petitioners of CRM-M-42529-2020 titled as Ravinder Kaur alias Rubi & Ors. Vs. State of Punjab and others) alongwith accused Akshey Kumar alias Cheeka.

It is also submitted that as per record, statements of accused Ravinder Kaur alias Rubi, Nirmal Singh alias Fattu and Vijay alias Ghatola and ASI Kamaljit Singh, Investigating Officer of this case, accused Ravinder Kaur alias Rubi, Nirmal Singh alias Fattu and Vijay Kumar alias Ghatola have neither been declared

as proclaimed offender nor any proclamation proceeding is pending against them. Accused Nirmal Singh and Vijay Kumar are on bail in this case whereas accused Ravinder Kaur alias Rubi is in custody.

It is further submitted that the trial is pending at the stage of charge.

It is further urged that the compromise as per statements of complainant Sahil Walia, accused Ravinder Kaur alias Rubi, Nirmal Singh alias Fattu and Vijay alias Ghatola has been arrived at voluntarily and without any pressure, coercion or undue influence between them.

The copies of statements of complainant Sahil Walia, accused Ravinder Kaur alias Rubi, Nirmal Singh alias Fattu, Vijay alias Ghatola and ASI Kamaljit Singh, Investigating Officer are enclosed herewith”.

[3]. In view of compromise between the parties, chance of complainant coming forward in support of prosecution case is negligible. Since the compromise has been entered into between the parties and the same has been found to be genuine by the Magistrate, therefore, on the strength of **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 (Crl.) 543,** the FIR can be quashed.

[4]. Learned State counsel, however, opposed the aforesaid course, but in the interest of justice and also to prevent unnecessary continuation of criminal proceedings, I am of the view that inherent powers under Section 482 Cr.P.C can

be exercised in order to achieve ends of justice.

[5]. Resultantly, FIR No.166 dated 02.05.2020 registered under Sections 380, 382, 384, 379-B, 506, 120-B of IPC and 25 Arms Act, 1959 registered at Police Station City Sangrur, District Sangrur as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[6]. Petition stands disposed of.

22.03.2021

Amandeep

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No