

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

238

CRM-M-43541-2020(O&M)

Date of Decision:22.02.2021

Renu Ramola and another

.....Petitioners

Versus

State of U.T. Chandigarh and another

.....Respondents

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

Present: Mr. Anuj Garg, Advocate,
for the petitioners.

Mr. Sumit Jain, Addl. PP,
for the U.T., Chandigarh.

Ms. Tejinder Kaur, Advocate,
for Ms. Harvinder Johal, Advocate,
for the complainant.

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 F.I.R. No.122 dated 01.10.2020 under Sections 307, 341, 506, 34 IPC, registered at Police Station West, Sector 11, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 07.12.2020 (Annexure P-2).

Learned counsel for the petitioners submits that offence under Section 307 IPC is not made out against the petitioners as no fire-arm was used in the case.

This Court vide order dated 23.12.2020 had directed the parties to appear before the trial Court to get their statements recorded and the

learned trial Court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Additional Sessions Judge-cum-Judge Special Court, Chandigarh and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 22.01.2021 to the effect that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence from any side.

Respondent No.2-complainant, namely, Deepak Chand has made a statement with regard to compromise before learned ASJ, Chandigarh on 15.01.2021. The same is reproduced as under:-

“Stated that I have got registered the present FIR regarding the incident dated 01.10.2020 in which I was inflicted injuries by the accused person i.e. my wife Renu and my brother in law Ankit. We have entered into written compromise and quashing proceedings have been filed before the Hon'ble High Court. The compromise which has been effected by me with the accused person is voluntary and is without any coercion or undue influence. I am placing on record the copy of the compromise deed dated 03.12.2020 duly attested by me. I will abide by the terms of compromise.”

Learned State Counsel has not disputed the factum of compromise between the parties.

Learned counsel for the complainant-respondent No.2 has submitted that the matter has been compromised, which is virtually a matrimonial dispute between the parties. She has no objection, if the present FIR registered against the accused, is quashed.

In view of the fact that offence under Section 307 IPC is not

made out against the petitioners as no fire-arm was used in the case and the

matter has otherwise been compromised between the parties, this Court finds that there is no impediment to quash the FIR, in view of law laid down by the Hon'ble Apex Court in *Narinder Singh & others Versus State of Punjab and another 2014(2) R.C.R. (Criminal) 482*.

Since the matter has been compromised between the parties, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R as chances of conviction are bleak.

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* as well as in *Narinder Singh's case* (supra), this petition is allowed and F.I.R. No.122 dated 01.10.2020 under Sections 307, 341, 506, 34 IPC, registered at Police Station West, Sector 11, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/affidavit dated 07.12.2020 (Annexure P-2).

February 22, 2021

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(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No