

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

286

CRM-M-4377 of 2021
Date of decision:07.12.2022

Kuljit Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vinay Kumar, Advocate
for the petitioners.

Mr. Jashanpreet Singh, DAG, Punjab.

Mr. Anosh Samson, Advocate for
Mr. Sukhman Singh, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

When confronted with the report of Trial Court that Balwinder Singh, petitioner No.2 has expired, counsel for the petitioners has sought and is granted permission to withdraw the petition insofar as petitioner No.2 is concerned.

Dismissed as withdrawn qua petitioner No.2.

On 16.02.2021, this Court passed the following order:-

“The Court has been convened through video conferencing due to Covid-19 Pandemic.

Instant petition has been filed under Section 482 of the

Code of Criminal Procedure seeking quashing of FIR No.35 dated 28.02.2020, under Sections 498-A, 406, 494 and 506 of the Indian Penal Code, 1860, registered at Police Station Civil Lines Batala, District Batala (Annexure P1) and all consequential proceedings qua the petitioners on the basis of compromise dated 26.01.2021 (Annexure P-2).

Counsel for the petitioner submits that the impugned FIR was lodged by the complainant-respondent No.2, who is the wife of petitioner No.1 and is outcome of matrimonial dispute between the two. He submits that the dispute has been settled by virtue of compromise dated 26.01.2021 (Annexure P-2). Parties are now residing together. Counsel has referred to the para 10 of the petition and submitted that none of the petitioners have been declared as proclaimed offender.

Notice of motion.

On asking of the Court, Mr. Randhir Singh Thind, DAG, Punjab accepts notice on behalf of State-respondent No.1 and Mr. Sukhman Singh, Advocate accepts notice on behalf of respondent No.2. He has admitted the factum of compromise effected between the parties.

The parties are directed to appear before the Illaqa Magistrate/trial Court on 22.04.2021 for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit the report on or before the

next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. In the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties;*
- 5. Whether any other criminal case is pending against the accused.*

Report of the Illaqa Magistrate/trial Court be awaited for 09.07.2021”

Report has been received from the Trial Court pursuant to above reproduced order and its relevant extract is as under:-

“1. As per the statement of the I.O, that there are three persons arraigned as accused in the present FIR namely, Kuljit Singh son of Balwinder Singh, Balwinder Singh son of Darshan Singh (now deceased) and Jasbir Kaur wife of Balwinder Singh, all residents of village Khatib, Tehsil Batala, District Gurdaspur. Two accused-petitioners namely Kuljit Singh son of Balwinder Singh and Jasbir Kaur wife of Balwinder Singh

have appeared before the Court for recording of their statements. None of the accused has been declared as proclaimed offender in this case.

2. It is further stated by IO that there is only one victim/complainant namely Rajbir Kaur wife of Kuljit Singh r/o village Bhole Ke, Tehsil Batala, District Gurdaspur and her statement has been recorded in support of the compromise.

3. In this case challan has not been present.

4. After considering the statements of the parties as well as the statement of I.O, this Court is of the view that the compromise arrived at between the parties is genuine, voluntary and without any coercion and undue influence.

5. It is further stated by IO that FIR No.65 dated 21.05.2020 under Section 188, 269, 270 of IPC, P.S.Verka, Amritsar is pending against accused Kuljit Singh son of Balwinder Singh r/o Khatib, PS Civil Lines, District Gurdaspur. Apart from the above said two FIRs, no other criminal case is pending.”

In view of the above facts, report of the Trial Court and judgments of Supreme Court in **Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582** and **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641**, this Court has no hesitation in setting aside the criminal proceedings.

Accordingly, the petition is allowed. FIR No.35 dated 28.02.2020, under Sections 498-A, 406, 494 and 506 of the Indian Penal Code, 1860, registered at Police Station Civil Lines Batala, District Batala (Annexure P-1) and all consequential proceedings arising therefrom, are quashed qua petitioners No.1 and 3.

December 07, 2022

savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>