

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

273

CRM-M-13028 of 2021
Date of decision:17.05.2022

Makhan Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Harjinder Singh, Advocate for
Mr. Avtar Singh Khinda, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Paras Khindri, Advocate
for respondents No.2 and 3.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.303 dated 02.11.2018 registered under Sections 354, 506, 323 of Indian Penal Code, 1860 at Police Station Sultanpur Lodhi, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 15.03.2021 (Annexure P-2).

Counsel for the petitioner submits that genesis of the FIR (Annexure P-1) is a marital discord between Sukhwinder Kaur and her husband Makhan Singh, present petitioner. He submits that incident is alleged to have taken place when Sukhwinder Kaur went to the home of her

sister, Harmandeep Kaur, complainant. Makhan Singh is alleged to have created a ruckus on spotting his estranged wife and misbehaved with the complainant. He submits that dispute has been settled by virtue of compromise (Annexure P-2) and the parties have appeared before the Trial Court and their statements have been recorded in support of the compromise.

Upon instructions from ASI Gurdeep Singh, State counsel submits that the petitioner is the sole accused, challan has been presented, charge has been framed but no prosecution witness has been examined.

Counsel representing complainant-respondent No.2 has admitted the factum of compromise and supports the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 23.03.2021, this Court directed the parties to appear before the Trial Court/Area Magistrate for recording of their statements and a report was called for on the following points:-

- “1. Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other case or not.*
- 5. The Trial Court is also directed to record the statement of the Investigating Officer as to how may victims/complainants*

are there in the FIR.”

Report has been received and its relevant extract is as under:-

“(i) As per statement of investigating officer, only one person i.e. petitioner/accused Makhan Singh son of Swaran Singh resident of Aujla Phatak, Tehsil & District Kapurthala, has been arrayed as accused in the present FIR.

(ii) As per statement of Investigating Officer, none of the petitioner/accused has been declared proclaimed offender in the present case.

(iii) In the light of statements suffered by both the parties, it appears that parties have effected compromise which is genuine, voluntary and out of free will and is not the result of any threat, pressure or undue influence etc., in any manner.

(iv) As per statement of investigating officer, petitioner/accused is not involved in any other criminal case.

(v) As per statement of investigating officer, only one person i.e. Harmandeep Kaur wife of Hoshiar Singh, resident of village Ahmadpur, Tehsil Sultanpur Lodhi, District Kapurthala, is the complainant in the present case.”

FIR (Annexure P-1) is an outcome of dispute amongst the parties, who are closely related to each other, which has been amicably settled. When examined in the background of the matrimonial dispute between the complainant's sister and her husband as well as report of the Trial Court and judgments of the Supreme Court in **Parbatbhai Aahir alias**

Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641 and Narinder Singh and others Vs. State of Punjab and another (2014) 2 RCR (Criminal) 482, this Court has no reservation in quashing the criminal proceedings.

Accordingly, the petition is allowed. FIR No.303 dated 02.11.2018 registered under Sections 354, 506, 323 of Indian Penal Code, 1860 at Police Station Sultanpur Lodhi, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

May 17, 2022
savita

(SUVIR SEHGAL)
JUDGE

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