

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

THROUGH VIDEO CONFERENCING

CRM-M-16909-2021 (O&M)

Date of decision: 7.2.2022

Kulwinder Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE KARAMJIT SINGH

Present: Mr. S.P.Soi, Advocate, for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

Mr. Sahibjit Singh Sidhu, Advocate, for respondent No.2.

KARAMJIT SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.159 dated 14.12.2019 registered under Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Machhiwara, Police District Khanna, District Ludhiana on the basis of compromise dated 6.4.2021 (Annexure P-2).

The above stated FIR was registered on the complaint lodged by Yadwinder Singh-respondent No.2 in which he stated that at the time of the occurrence, petitioner-Kulwinder Kaur abused him in the name of his caste.

On notice of motion, respondent No.2 appeared in the Court through his counsel and pleaded that he has no objection if the FIR in this case is quashed on the basis of the aforesaid compromise which has been effected between the parties.

During the course of preliminary hearing, the trial Court/Illaq Magistrate was directed to record the statements of the all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

In compliance thereof, report from the Court of Additional District & Sessions Judge, Ludhiana along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

I have heard learned counsel for the parties.

Learned counsel for the petitioners and for respondent No.2 are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion.

In **Ramawatar v. State of Madhya Pradesh** Criminal Appeal No.1393 of 2011 decided on 25.10.2021, Hon'ble Supreme Court quashed the FIR registered under Section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on the basis of the compromise. Hon'ble Apex court while accepting the said compromise, observed that offence in question though covered under SC/ST Act is primarily private or civil in nature or where the alleged offence has not been committed on account of caste of the victim or where continuation of legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings.

In the case in hand, parties were closely related as the petitioner

at that time was the mother-in-law of respondent No.2. Parties have resolved

their dispute and respondent No.2 is not interested in prosecution of the FIR in question against the petitioner. In these circumstances if the prosecution of the petitioner on the basis of FIR in question is kept pending, it will definitely amount to an abuse of the process of law.

In light of the above and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another**, 2012 (4) RCR (Criminal) 543 and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007(3) RCR (Criminal) 1052, this petition is allowed and FIR No. 159 dated 14.12.2019 registered under Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Machhiwara, Police District Khanna, District Ludhiana and all the subsequent proceedings are hereby quashed qua the petitioner.

Needless to mention that both the parties will abide by the terms and conditions of the compromise Annexure P-2 in letter and spirit.

(KARAMJIT SINGH)
JUDGE

February 7, 2022

Paritosh Kumar

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No