

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

CRM-M-30211-2022

Date of Decision:15.11.2022.

MALKEET SINGH @ PUNJAB SINGH

....Petitioner

VS

STATE OF PUNJAB AND ANOTHER

....Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. B.S. Baath Advocate for the petitioner.

Mr. R.S. Khaira, DAG., Punjab.

Mr. Ritesh K. Sharma, Advocate for respondent No.2.

AMARJOT BHATTI, J. (Oral)

The petitioner has filed this petition under Section 482 Cr.P.C for quashing of FIR No.0067 dated 04.03.2020 registered under Sections 342, 354 and 506 IPC registered at Police Station P.S. Division E, District Police Commissionerate (Annexure P-1) alongwith all subsequent proceedings arising therefrom on the basis of compromise arrived at between the parties.

Brief facts of the case are FIR has been registered on the statement of respondent No.2-Maninder Kaur wife of Jeevanjot Singh alleging that she is 45 years old and a Gursikh lady. On 24.01.2020, she was participating in a Dharna organised at Dharam Singh Market Near Statue Chowk, Amritsar. Malkeet Singh @ Punjab Singh resident of Sultanwind started misbehaving with her. She tried to make him understand that he could not talk to a lady in a wrongful manner. In return he started threatening her that she will not be spared and she will be defamed. She apprehended danger from the hands of Malkeet Singh @ Punjab Singh.

With these allegations present FIR has been registered.

Notice of this petition was given to the respondents. The petitioner came to this Court on the basis of compromise and the counsel for respondent No.2 also admitted the factum of compromise. The parties were directed to appear before the Illaqa Magistrate/trial Court for recording their statements regarding the said compromise. The detailed report of learned Judicial Magistrate, 1st Class, Batala dated 12.08.2022 has been filed.

As per this report Malkeet Singh @ Punjab Singh is the only accused arrayed in the aforesaid FIR who has not been declared proclaimed offender nor any criminal case pending against him. After recording the statements of Maninder Kaur-complainant/respondent No.2 and Malkeet Singh @ Punjab Singh petitioner/accused the learned Judicial Magistrate 1st Class, Amritsar came to the conclusion that compromise is genuine voluntarily and with the free consent of the parties.

Learned Assistant A.G., Punjab does not dispute the factum of compromise arrived at between the parties.

I have heard learned counsel for both the parties and have gone through the record carefully.

In the case in hand, the FIR has registered under Sections 342, 354 and 506 IPC out of which the offence under Sections 342 and 506 are compoundable at the instance of the complainant/aggrieved person whereas the offence under Section 354 is non compoundable.

The perusal of the statements of petitioner-accused and the respondent No.2-complainant indicates that there was no previous enmity between the parties and the dispute started between them at Dharna. Now, the matter has been compromised between the parties without any pressure

or coercion. Both the parties want to live peacefully. Therefore, no purpose would be served to continue with the criminal proceedings in the aforesaid FIR. The compromise will restore peace and harmony in the society. Therefore, by relying upon the authority held in **2003 (2) RCR (Criminal) 888** Supreme Court of India titled as ***B.S. Joshi Singh and others Vs. State of Haryana and Another*** where it was explained that under Section 320 Cr.P.C. would not be barred to exercise the powers of quashing of non-compoundable offence. It was further explained that the High Court may quash the proceedings, where parties have settled their disputes. Therefore, considering the aforesaid factual position, the present petition filed by the petitioner is allowed and the FIR No.0067 dated 04.03.2020 registered under Sections 342, 354 and 506 IPC registered at Police Station P.S. Division E, District Police Commissionerate alongwith all subsequent proceedings arising out of the same are quashed qua the petitioner.

The petition stands disposed of accordingly.

15.11.2022

pry

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No