

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

CRM-M-37657-2022

Date of Decision:- 17.11.2022

DAVINDER KUMAR @ DAVINDER SINGH

....Petitioner

Vs.

STATE OF PUNJAB & ANR.

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Dinesh Mahajan, Advocate for the petitioner.
Mr. R.S. Khaira, DAG, Punjab.
Ms. Rimple Saini, Adv. for the respondent No.2.

AMARJOT BHATTI, J. (Oral)

The petitioner Davinder Kumar @ Davinder Singh has filed the instant petition under Section 482 Cr.P.C. for quashing of the FIR No.28 dated 12.05.2017 under Section 354-A/452/341/506 IPC registered at Police Station Hajipur, Hoshiarpur on the basis of compromise entered at between the parties.

The brief facts of the case are that complainant Harjot Kamal made her statement to the police that she is working as Ahlmad in the Judicial Court Mukerian. Her husband expired in the year 2016. The accused Devender Singh is the son of uncle of her deceased husband. He used to harass her by calling on phone. She tried to make him understand but he did not listen. On 24.04.2017 she along with her sister in law Raj Kumari was going towards fields at 6 am for a walk. When she had gone ahead Devender Singh came out from the side of tubewell and caught hold of her. He dragged her towards the trees and started behaving in an obscene manner on the alarm raised by her she was rescued by Raj

Kumari. She disclosed about the entire occurrence to the mother of the accused. The accused extended life threats to her and her daughter. With these allegations the present FIR was registered.

Notice of petition was given to the respondents. The respondent No.1 i.e. the State represented through counsel submitted the reply whereas respondent No.2 has not opposed the factum of compromise. The parties were directed to appear before the Illaqa Magistrate/trial Court for recording their statement regarding the said compromise.

The detailed report dated 06.10.2022 received from the court of Judicial Magistrate, 1st Class, Mukerian. As per the report it is submitted that Devender Kumar @ Devender Singh is only accused arrayed in this case. He has never been declared the proclaimed offender. On the basis of statement recorded in the Court. The Ld. Judicial Magistrate came to the conclusion that the compromise is voluntary without any threat coercion or pressure. The complainant categorically stated that she has no objection if the FIR is quashed against the accused.

I have gone through the statement of the parties recorded by the Judicial Magistrate 1st Class, Mukerian. The aforesaid facts of the case clearly indicates that the complainant Harjot Kamal and accused Devender Singh are closely related to each other. The complainant has levelled the allegations of misbehaviour against the petitioner/accused. However, the matter has been compromised with the intervention of family members and respectable of the locality. Both the parties are to reside in the same village being close relatives. This compromise will enable them to live peacefully and it will also help them to maintain healthy relationship. No grudge is left between the parties and no purpose would be served to continue the

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criminal proceedings.

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Therefore, the petition filed by the petitioner is allowed and the FIR No.28 dated 12.05.2017 under Section 354-A/452/341/506 IPC registered at Police Station Hajipur, Hoshiarpur and subsequent proceedings arising therefrom are quashed.

17.11.2022
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(AMARJOT BHATTI)
JUDGE

Whether the speaking/reasoned:- Yes/No

Whether the reportable:- Yes/No