

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.46884 of 2021 (O&M)
Date of Decision: 19.09.2022.

Balkar Singh and another

... Petitioners

Vs.

State of Punjab and others

.. Respondents

CORAM: HON'BLE MRS. JUSTICE NIDHI GUPTA

Present: Ms. Jaspreet Kaur, Advocate
for Mr. D.S.Gandhi, Advocate
for the petitioners.

Mr. Rajiv Verma, DAG., Punjab.

Mr. Ashish Aggarwal, Advocate
for respondent no.2.

NIDHI GUPTA, J. (ORAL)

By this petition, the petitioners seek quashing of FIR No.108, dated 14.09.2021, registered at Police Station Tarsikka, District Tehsil Baba Bakala, District Amritsar, alleging therein the commission of offences punishable under Sections 380, 452, 435, 365 of the IPC and Section 3(2) (iii) 3 G Schedule Tribes (prevention of Atrocities) Act, as also all other subsequent proceedings arising therefrom, on the basis of a compromise (copy Annexure P-2), arrived at between the petitioners and respondent no.2.

Pursuant to the order dated 16.08.2022, the report of the learned Judicial Magistrate Ist Class, Baba Bakala Sahib, dated 19.07.2022, has been received, stating therein that the statements of the petitioners (Balkar Singh and Gurpreet Kaur), i.e. the accused, as also of respondent

no.2, i.e. the complainant in the FIR, Ranjit Singh, were recorded before that court, to the effect that the matter has been compromised between them of their own free will, without any pressure, coercion or undue influence.

As per that court the complainant also stated that there was no other person involved in the occurrence whose consent would be necessary for quashing of the FIR on the basis of the compromise.

The statement of the investigating officer is also stated to have been recorded, to the effect that there is no other criminal case pending against the petitioners except the one in question; with the opinion of that court being that indeed the matter had been compromised of the free will of the parties.

It is to be noticed that Mr. Ashish Aggarwal, Advocate, appearing for respondent no.2, does not deny the factum of compromise reached between the parties.

That being so, looking at the nature of the offences alleged to have been committed by the petitioners and the fact that the matter has been compromised between the petitioners and the complainant, the present petition is allowed and FIR No.108, dated 14.09.2021, registered at Police Station Tarsikka, District Tehsil Baba Bakala, District Amritsar, alleging therein the commission of offences punishable under Sections 380, 452, 435, 365 of the IPC and Section 3 (2) (iii) 3 G Schedule Tribes (prevention of Atrocities) Act, along with all proceedings emanating therefrom, is hereby quashed.

(NIDHI GUPTA)
JUDGE

19.09.2022
rekha sharma

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