

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

304

CRM-M-3330-2022

Date of decision : 27.04.2023

Darshan Singh

..... Petitioner

V/S

State of Punjab and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Ashish Gupta, Advocate
for the petitioner.

Mr. M.S.Joshi, Addl. A.G. Punjab.

Mr. Gurbhej Singh, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

The petitioner- Darshan Singh has filed the instant petition under Section 482 of Cr.P.C. for quashing of FIR No.106 dated 30.09.2016, under Section 354 of IPC, registered at Police Station Badhni Kalan, District Moga as well as judgment of conviction dated 22.07.2019 passed by learned Sub Divisional Judicial Magistrate, Nihal Singh Wala and all other subsequent proceedings on the basis of compromise between the parties dated 09.12.2021 (Annexure P-3).

As per the facts of the case, the complainant –Amandeep Kaur gave her statement to the police that on the day of occurrence i.e. 17.09.2016 at about 7:15 PM her mother-in-law Mukhtiar Kaur was standing in front of the gate and she was making food. Darshan Singh came to their house and asked about her

husband. Darshan Singh told her that she was being called “Kabootri” by her husband. In the meantime, her mother-in-law also came there. Darshan Singh outraged her modesty as well as of her mother-in-law by opening strings of salwars. He called them of lower caste and harassed them. Her mother-in-law called Bhinder Kaur, Member Panchayat. Thereafter, he started abusing them. She ran inside the house and he caught hold of her shirt from behind. He also held her from her neck. Thereafter, he left the house abusing her. On the arrival of her mother-in-law and Bhinder Kaur she narrated entire occurrence to them. After enquiry the present FIR has been registered.

In the case in hand the present petitioner was convicted and sentenced in Criminal Case No.25/2017, CIS No.CHI/26/2017 decided on 22.07.2019 (Annexure P-2) vide which he was convicted under Section 354 of IPC to undergo rigorous imprisonment for one year and to pay fine of Rs.1,000/- in default of payment of fine further undergo rigorous imprisonment for one month. The appeal preferred by the petitioner is pending before the Additional Sessions Judge, Moga. The present quashing has been filed on the basis of compromise dated 09.12.2021 (Annexure P-3)

The petitioner and respondent No.2 were directed to appear before the trial Court/Illaq Magistrate for recording their statements on the basis of compromise. The detailed report regarding compromise has been received from the court of Additional Sessions Judge, Moga vide letter No.105 dated 05.04.2022. The statement of respondent No.2 has been recorded, where she confirmed the compromise with the petitioner. She confirmed that this compromise has been effected without any pressure, coercion from any side and she has no objection regarding quashing of FIR.

The petitioner-Darshan Singh also confirmed this fact in his separate statement. The statement of ASI Gurmej Singh is also recorded who further confirmed that the accused is neither involved in any other case nor has been declared as proclaimed offender.

Therefore, from the report of Additional Sessions Judge, Moga, it is clear that the compromise has been effected between the parties without any pressure, coercion or undue influence, which is acceptable to both the parties. Both the parties are residents of same locality and it would enable them to live in peace and harmony. They have mutually settled all their disputes. It will end the litigation started between them. No purpose would be served with the continuation of criminal proceedings.

Therefore considering these facts the petition filed by the petitioner is accepted and FIR No.106 dated 30.09.2016, under Section 354 of IPC, registered at Police Station Badhni Kalan, District Moga as well as judgment of conviction dated 22.07.2019 passed by learned Sub Divisional Judicial Magistrate and the consequential proceedings arising therefrom are quashed.

Accordingly, the present petition stands accepted.

(AMARJOT BHATTI)
JUDGE

27.04.2023
Sunil Devi

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