

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

CRM-M-10129-2023 (O&M)

Date of decision: 14.09.2023

Gurdev Kaur**...Petitioner****VS****State of Punjab and another****...Respondents****CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

Present:- Mr.Ajay Kumar Chaudhary, Advocate,
for the petitioner.

Mr. Mohit Thakur, AAG, Punjab.

Mr.Sartaj Singh Thakur, Advocate
for respondent no.2.

ARUN MONGA, J. (ORAL)

Petitioner seeks quashing of FIR No.150 dated 12.11.2017 (Annexure P-1) registered under Sections 279, 337, 338 and 427 of IPC, at Police Station Mahilpur, District Hoshiarpur, and all subsequent proceedings arising therefrom, and for setting aside judgment and order dated 13.08.2019 (Annexure P-2) passed by learned Judicial Magistrate Ist Class, Garhshankar in CIS No.93/2018, dated 01.06.2018, convicting petitioner for the commission of offences under Sections 279, 337 and 338 of IPC (while acquitting under Section 427 IPC) and sentencing her to undergo Rigorous Imprisonment for a period of 6 months, on the basis of compromise dated 01.02.2023 (Annexure P-4), which is stated to have been entered into between the parties.

2. Since quashing was sought on the basis of compromise, a co-ordinate Bench of this Court vide order dated 27.02.2023 had directed the parties to appear before the Illaqa Magistrate/trial Court for recording their statements in support of the compromise. A veracity report was also called for.

3. Report dated 22.03.2023 of learned Civil Judge (Junior Division), Garhshankar, had been received. Report reveals that statements of complainant party i.e.

respondent No.2 as also of accused/present petitioner herein, were duly recorded. It is opined that a compromise has been arrived at without any pressure, undue influence or coercion. The report is accompanied by the statements of parties. It is apparent that the complainant/respondent No.2 and accused/petitioner have arrived at a compromise voluntarily and without any coercion.

4. Learned counsel appearing on behalf of complainant/respondent No. 2 also makes a statement that the compromise having been effected, he would have no objection to the quashing of the FIR in question.

5. This Court in appropriate cases can exercise the power under Section 482 Cr.P.C. for quashing of criminal proceedings/FIR on the basis of compromise. A reference in this regard may be made to a decision dated 29.09.2021 of the Supreme Court in case titled *Ramgopal and anr. V. The State of Madhya Pradesh*¹, a Full Bench decision of this Court in *Kulwinder Singh and others V. State of Punjab and others*², *Sunder and another versus State of Haryana and others*³, *Gurjit Singh and another versus State of Punjab and others*⁴ and *Bhan Singh and others versus State of Punjab and others*⁵.

6. Adverting back to the facts of the present case, it is apparent that the compromise has been arrived at between the parties without any coercion.

7. In the considered view of this Court, it would be an appropriate case for exercise of power under Section 482 Cr.P.C. and to bring to an end the criminal proceedings initiated in the light of the impugned FIR.

8. For the reasons recorded above, the present petition is allowed. FIR No.150 dated 12.11.2017 (Annexure P-1) registered under Sections 279, 337, 338 and 427 of IPC, at Police Station Mahilpur, District Hoshiarpur, and all subsequent proceedings arising therefrom, and for setting aside judgment and order dated 13.08.2019 (Annexure P-2) passed by learned Judicial Magistrate Ist Class, Garhshankar in CIS No.93/2018,

¹Criminal Appeal No.1489 of 2012

²2007 (3) RCR (Criminal) 1052

³2015 (26) R.C.R. (Criminal) 639

⁴2020 (4) R.C.R. (Criminal) 549

⁵CRM-M-20712-2019, decided on 19.04.2022

dated 01.06.2018, convicting petitioner for the commission of offences under Sections 279, 337 and 338 of IPC (acquitting under Section 427 IPC) and sentencing her to undergo Rigorous Imprisonment for a period of 6 months, *qua* the petitioner, stand quashed.

9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

September 14, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No