

2023:PHHC:095195

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

289

CRM-M No.12262 of 2023
Date of Decision: 26.07.2023

Baljinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. Gurmeet Singh Saini, Advocate
for the petitioner.

Mr. Aditya Kapoor, AAG, Punjab
for respondent No.1-State.

Mr. Lakhan Paul Garg, Advocate appearing for
Mr. Balraj Singh Sidhu, Advocate
for respondent No.2.

MEENAKSHI I. MEHTA, J. (Oral)

By way of the instant petition, the petitioner has prayed for the quashing of the FIR bearing No.0090 dated 28.05.2020 registered at Police Station Mallanwala, District Ferozepur, under Sections 354, 509, 506 & 323 IPC as well as all the consequent proceedings arising therefrom, while averring that the parties have arrived at a compromise qua their dispute, culminating in the registration of the said FIR.

2. Shorn and short of unnecessary details, the allegations, as levelled by respondent No.2-complainant in the subject FIR, are that the petitioner, who happens to be the husband of her sister-in-law, used filthy language against her and pulled her hair and also slapped her.

3. Vide the order dated 13.03.2023 as passed by the Co-ordinate Bench, the parties had been directed to appear before the Illaqa/Duty Magistrate on 02.05.2023 for recording their statements in respect of the afore-mentioned compromise. In compliance of this order, learned Judicial Magistrate 1st Class, Zira, recorded their (parties') statements and has submitted his report (as already available on the file), while mentioning therein that he is satisfied that the compromise has been affected between the parties and as per their (parties') statements, the same is genuine and voluntary and has been arrived at without any coercion or undue influence and that as per the statement of the Investigating Officer ASI Darshan Singh, there is only one accused, i.e the petitioner, in the present case and he has not been declared proclaimed offender nor any such proceedings have been initiated nor pending against him and he is also not involved in any other criminal case. Copies of the statements of the parties and of the above-named Investigating Officer have been annexed with the said report.
4. I have heard learned counsel for the petitioner as well as learned State counsel and learned counsel appearing for respondent No.2 in this petition and have also perused the file carefully.
5. The afore-mentioned compromise has been affected to put the dispute between the parties at rest for all the times to come and the same would promote peaceful, harmonious and cordial relations between them. It being so, there are bleak chances of the conviction of the petitioner and in these circumstances, the continuation of the proceedings in the case arisen out of the subject FIR, would be an exercise in futility.

6. Keeping in view the above-discussed facts and circumstances and also the observations as made by Hon'ble the Supreme Court in **Gian Singh Versus State of Punjab and another (2012) 4 RCR (Criminal) 543**, the FIR bearing No.0090 dated 28.05.2020 as registered at Police Station Mallanwala, District Ferozepur, under Sections 354, 509, 506 & 323 IPC as well as all the consequent proceedings arising therefrom (if any), are hereby quashed. The petition in hand stands allowed accordingly.

26.07.2023

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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No