

CRM-M-19778-2022

273 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-19778-2022 (O&M)
Date of Decision: 04.12.2023

SHIVANI AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CRM-M-19578-2022 (O&M)
Date of Decision: 04.12.2023

NARINDER KUMAR AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Umesh Aggarwal, Advocate
for the petitioners in CRM-M-19778-2022
and for respondent No. 2 in CRM-M-19578-2022.

Mr. Prateek Sodhi, Advocate
for the petitioners in CRM-M-19578-2022
and for respondents No. 2 and 3 in CRM-M-19778-2022.

Mr. Madhur Sharma, AAG Punjab.

HARPREET SINGH BRAR J. (Oral)

CRM-13067-2023 in CRM-M-19578-2022

This is an application under Section 482 of Cr.P.C. for
impleadment of the complainant namely Harvinder Singh as respondent No.
3 in the present petition.

For the reasons mentioned in the application same is allowed and
Harvinder Singh is impleaded as respondent No. 3 in the present petition.
Amended memo of appearance is taken on record.

CRM-M-19778-2022 & CRM-M-19578-2022

1. The present petitions have been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 290 dated 01.08.2021 registered under Sections 380/506/34 of Indian Penal Code at Police Station Islamabad Amritsar and cross-case FIR No. 292 dated 03.08.2021 registered under Sections 379-B(2)/451/427/34 of Indian Penal Code at Police Station Islamabad, Amritsar and all subsequent proceedings arising therefrom in view of the compromise dated 28.04.2022 (Annexure P-2).

2. Learned counsel for the petitioners submits that the dispute was between the father-Narender Kumar and his daughter Shivani. In pursuance of the order dated 13.03.2023 passed in CRM-M-19578-2022, respondent No. 3 has been impleaded as party. There is no reason for recording statement of respondent No. 3 as he is petitioner No. 2 in the connected matter i.e. CRM-M-19778-2023, in which his statement has been recorded in support of the compromise. The matter has been amicably compromised between the parties and they have resolved their disputes and differences.

3. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaqha Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report dated 20.08.2022 has been received from Judicial Magistrate Ist Class, Rupnagar stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

4. Learned Assistant Advocate General, Punjab on instructions from the Investigating Officer and learned counsel for respondents in both the petitions admitted the factum of compromise and submit that in case the

parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The parties have arrived at a compromise and settled their dispute. A compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak. A two Judge Bench of the Hon'ble Supreme Court in ***Shakunta Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63***, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

7. Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466** and **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No. 290 dated 01.08.2021 registered under Sections 380/506/34 of Indian Penal Code at Police Station Islamabad Amritsar and cross-case FIR No. 292 dated 03.08.2021 registered under

Sections 379-B(2)/451/427/34 of Indian Penal Code at Police Station Islamabad, Amritsar and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

04.12.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No