

114+263IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27588-2021 (O&M)

DATE OF DECISION: 06.07.2021

Jasvir Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Amandeep Singh Rai, Advocate,
For the petitioners.

Mr. Mohit Thakur, AAG, Punjab.

Mr. Manoj Kumar, Advocate for respondents No.2 and 3.

ARUN MONGA, J. (ORAL)

Instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 146 dated 05.10.2017, registered under Sections 307, 120-B of IPC, and Section 25 of Arms Act, 1959 and (Section 30 of Arms Act, 1959 was added later on) at Police Station Fatehgarh Sahib (Annexure P-1) and all consequential proceedings on the basis of compromise dated 20.04.2021 (Annexure P-4), stated to have been arrived between the parties.

2. Matter came up for hearing on 20.07.2021, a coordinate Bench of this Court presided over by my learned brother Amol Rattan J., while issuing notice of motion, following order was passed:

“Case heard via video conferencing.

By this petition, the petitioners seek quashing of FIR no.146 dated 05.10.2017, registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib, for the alleged commission of offences punishable under the provisions of Sections 307 and 120-B of the IPC (with Section 30 of the Arms Act, 1959, having been added later on), on the basis of a compromise arrived at between them and respondents no.2 and 3. They also seek quashing of all other subsequent

proceedings arising therefrom. A copy of the compromise deed has been annexed as Annexure P-4 with the petition.

Learned counsel for the petitioners points to the fact that even as per the FIR the allegation of the commission of any offence punishable under Section 307 of the IPC and under the provisions of the Arms Act is essentially against one Jagat Singh, who has since died.

He next submits that respondent no.3 is the husband of petitioner no.1 and as regards the petitioners, they were alleged to have been having an affair with each other, with no injury at all having been attributed them, of any kind whatsoever.

Notice of motion.

Mr. Amit Mehta, learned DAG, Punjab, accepts notice at the asking of the Court on behalf of respondent no.1.

Respondent No.2 and 3 be served by way of normal process, returnable on 08.09.2021.

In the meanwhile, a gazetted officer is directed to file a reply to the petition.”

3. Subsequently matter came up for hearing before my learned brother J. Karamjit Singh, J., who passed the following order:

“CRM-15099-2023

In view of the reasons mentioned in the application, the same is allowed and the main case is ordered to be taken on board today itself.

Main Case

Mr. Manoj Kumar, Advocate puts in appearance on behalf of respondents No.2 and 3 and has filed memorandum of appearance, which is ordered to be taken on record and has admitted the factum of compromise entered into between the parties. Counsel further undertakes to file power of attorney before the next date of hearing.

In the light of the above, the parties are directed to appear before the learned trial court/Illaq Magistrate on 24.5.2023 or any other date convenient to the Court and to get record their statements regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate, is directed to send the same along with its report regarding the genuineness of compromise on or before the date fixed in the instant petition specifically with regard to the following facts: -

- 1. Number of persons arrayed as accused in the FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Stage of the trial/proceedings.*
- 4. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 5. Total number of victims and their names.*

*To come up on 6.7.2023 for awaiting the report.
The State counsel is also directed to verify about
the factum of compromise by that date.
A copy of this order be sent to the learned trial
Court/Illaqa Magistrate, through electronic mode, for
compliance.”*

4. *Apropos*, parties have appeared before the competent Court and statements have been recorded, which are found to be genuine. I see no reason as to why FIR should not be quashed.

5. Report dated 29.05.2023 of learned Additional District and Sessions Judge, Fatehgarh Sahib had also been received. 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 complainant/respondent No.2, victim/respondent No.3 and accused/petitioners have arrived at a compromise voluntarily and without any coercion.

6. 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. Vs. The State of Madhya Pradesh***¹ and a Full Bench decision of this Court in ***Kulwinder Singh and others Vs. State of Punjab and others***².

7. In the premise it is 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. As regards the offences under Sections 25 and 30 of Arms Act, the same were allegedly committed by Jagat Singh, who is stated to

¹Criminal Appeal No.1489 of 2012

²2007 (3) RCR (Criminal) 1052

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have expired and, therefore, the proceedings, in any case, stand abated against the said accused.

9. Petition is thus allowed. FIR No. 146 dated 05.10.2017 registered under Sections 307, 120-B of IPC, and Section 25 of Arms Act, 1959 and (Section 30 of Arms Act was added later on) at Police Station Fatehgarh Sahib (Annexure P-1) and all proceedings emanating therefrom *qua* the petitioners stand quashed.

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

06.07. 2023
vandana

(ARUN MONGA)
JUDGE

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