

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28833-2023

Date of decision:-29.11.2023

Prabhjot Kaur and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Nitin Narula, Advocate
for the petitioners.

Mr.Anup Singh, AAG, Punjab.

Mr.Sandeep Sharma, Advocate
for respondent No.2.

SUVIR SEHGAL, J.(ORAL)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0055 dated 02.04.2023, under Sections 380, 34 IPC, registered at Police Station Baghapurana, District Moga, Annexure P1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 10.04.2023, Annexure P2, arrived at between the parties.

2. Counsel for the petitioners submits that petitioner No.1 is the grand-daughter of the complainant/respondent No.2, who has lodged FIR, Annexure P1, on the allegation that the petitioner No.1, who is a 22 years old lady, has run away from her home and got married to a person of her choice. It has also been alleged that petitioner No.1, her husband

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– petitioner No.2 and co-accused have committed a theft in her house.

Counsel submits that the dispute is on account of a misunderstanding amongst family members, which has been amicably resolved as is evident from affidavit dated 10.04.2023 executed by the complainant – respondent No.2. Counsel submits that the parties have appeared before the trial Court in support of the settlement.

3. Upon instructions, State counsel submits that the trial is under-way and some prosecution witnesses have been examined.

4. Counsel for the complainant – respondent No.2 has admitted the factum of settlement and has supported the prayer made in the petition.

5. Heard counsel for the parties.

6. Pursuant to order dated 01.06.2023 passed by this Court, report has been received from the Judicial Magistrate, relevant extract of which is as under:-

“1. In her statement, complainant – respondent Surjeet Kaur stated that on her initiation, FIR No.55 dated 02.04.2023, under Sections 380/34 IPC was registered against accused-petitioners Prabhjot Kaur wife of Baljeet Singh, Baljeet Singh son of Gurdeep Singh and Gurdeep Singh son of Hari Singh, residents of village Kotla Rai Ka, Tehsil Baghapurana. That now with the intervention of respectables of the society, the complainant has compromised the matter with the above said accused persons. The compromise is genuine, voluntarily and without any coercion or undue influence. He has no objection, if the present FIR is quashed.

2. *That in their joint statement, petitioners – accused Prabhjot Kaur, Baljeet Singh and Gurdeep Singh stated that present FIR was registered under Section 380, 34 IPC against the petitioners on the initiation of complainant Surjeet Kaur. Now with the intervention of respectables of the society, they have compromised the matter with the complainant which is genuine, voluntarily and without any coercion or undue influence.”*

7. In view of the report given by the learned Magistrate and judgment of the Supreme Court in ***Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543*** and a Full Bench of this Court in ***Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, this Court is of the view that keeping the criminal proceedings alive would not serve any purpose and setting them aside would enable the parties to lead a harmonious and peaceful life.

8. Accordingly, the petition is allowed. FIR No.0055 dated 02.04.2023, under Sections 380, 34 IPC, registered at Police Station Baghapurana, District Moga, Annexure P1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

29.11.2023
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No