

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

249

CRM-M-33326-2023

Date of decision: 15.09.2023

Madhu Sharma and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rishu Mahajan, Advocate for the petitioners.

Mr. Pankaj Khullar, AAG, Punjab
for respondent No.1-State.

Mr. Ajay Kumar, Advocate for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is for quashing of FIR No.15 dated 21.01.2023 under Sections 3/4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Gate Hakima, Amritsar and all consequential proceedings arising out of the same, on the basis of compromise dated 08.05.2023 (Annexure P-2) arrived at, between the parties.

2. Short reply by way of affidavit of Surinder Singh, PPS, Assistant Commissioner of Police, Central, Amritsar, on behalf of respondent No.1-State has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Vide order dated 14.07.2023 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 18.08.2023 to get their statements recorded regarding the compromise arrived at, between them.

4. Report has since been received from learned Judicial Magistrate First Class, Amritsar, in pursuance of the directions of this Court, wherein, the factum of the compromise arrived at between the parties stands verified and confirmed. As per the report compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainant has also made statement to the effect that she would have no objection if the FIR *qua* the accused-petitioners is quashed.

5. The Trial Court has annexed the statements of the parties in original, alongwith its report.

6. Learned State counsel too submits that there are no other accused other than the petitioners and respondent No.2 is the only aggrieved person in the FIR in question.

7. In view of the report of the learned Judicial Magistrate First Class, Amritsar and the principles laid down by the Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*, and also by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising out of it, are quashed.

8. Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

15.09.2023

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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