

247 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42818-2019

DATE OF DECISION:-13.02.2023

Ravneet Kaur

...Petitioner.

vs.

State of Punjab and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vivek K. Thakur, Advocate,
for the petitioner.

Mr. Ravinder Singh, AAG, Punjab.

Ms. Vaishali Thakur, Advocate for
Mr. Bhupeshwar Jaswal, Advocate,
for respondent No.2.

HARKESH MANUJA, J.

By way of present petition under Section 482 Cr.P.C., the petitioner prays for quashing of FIR No.0228 dated 22.10.2016, under Sections 306 and 506 IPC, registered at Police Station Kapurthala City, District Kapurthala along with all consequential proceedings arising therefrom.

In the present case, FIR in question was registered on the basis of statement of respondent No.2-Sanjeev Kumar being the son of deceased, namely, Shashi Mohan. After thorough inquiry, a cancellation report was submitted by the investigating agency in exercise of its power under Section 173 Cr.P.C. before the Illaqa Magistrate on 20.01.2019. The operative part of the cancellation report dated 20.01.2019 is reproduced as below:-

“Therefore, recommendation is being made to cancel

the case FIR No.228 dated 22.10.2016, under Sections 306, 506 IPC, Registered at Police Station City Kapurthala.”

Notice thereupon was issued to the complainant, who submitted his disagreement to the cancellation report and accordingly, the trial court vide order dated 27.05.2019 ordered for re-investigation of the case.

While re-investigation of the case was going on, the parties have entered into a settlement and respondent No.2 having submitted his affidavit dated 24.09.2019 (Annexure P-8) stating therein that the FIR in question was a result of misunderstanding and the petitioner has no role to play in the commission of offence.

Based thereupon, present petition seeking quashing of FIR in question, on the basis of compromise has been filed.

In pursuance to notice of motion order dated 04.10.2019 passed by this Court, whereby the parties were directed to appear before the Illaqa Magistrate for getting their statements recorded as regards the veracity of the compromise arrived at between them, a report dated 08.11.2019 has been received from the concerned court stating that the compromise is genuine, voluntary and without any undue influence or coercion. It also finds mentioned in the report that no accused has been declared as PO.

Once, the compromise has been arrived at between the parties without any pressure and respondent No.2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising therefrom against the petitioner; the dispute being purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR. Even otherwise, the complainant during re-investigation has submitted

an affidavit dated 24.09.2019 (Annexure P-8) that he has no objection, in case, the proceedings arising out of FIR in question be quashed against the petitioner as she has no role to play in the commission of offence. Under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the directions issued by this Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***

Thus, in view of the aforesaid report accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, FIR No.0228 dated 22.10.2016, under Sections 306 and 506 IPC, registered at Police Station Kapurthala City, District Kapurthala and subsequent proceedings arising therefrom are quashed qua the petitioner.

Accordingly, petition stands allowed, subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Association Lawyer's Family Welfare Fund having Account No.41564846387 with State Bank of India, High Court Branch, Chandigarh,

within a period of two weeks from the date of receipt of certified copy of this order.

13.02.2023
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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No