

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51096-2023

Date of decision:-15.12.2023

Rupinder Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Sahil Bansal, Advocate
for the petitioners.

Mr.Harkanwar Jeet Singh, AAG, Punjab.

Mr.Gagandeep Kumar, Advocate for
Mr. Yudhvir Singh, Advocate
for the respondents No.2 and 3.

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.120 dated 11.06.2023, under Sections 420, 120-B IPC, registered at Police Station Dharamkot, District Moga, Annexure P1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 28.09.2023 Annexure P2, arrived at between the parties.

2. Counsel for the petitioners submits that the FIR is an outcome of marital discord between petitioner No.3 and respondent No.4 and the dispute has been amicably settled between the parties by compromise, Annexure P2.

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3. Counsel for the respondents No.2 and 3 has admitted the factum of compromise.

4. Heard counsel for the parties.

5. Pursuant to order dated 09.10.2023 passed by this Court, report has been received from the Judicial Magistrate, relevant extract of which is as under:-

“(1) That in the present FIR, three persons, namely Rupinder Singh, Ranbir Kaur and Pushpinder Kaur have been arrayed as accused. All the three accused persons i.e. Rupinder Singh, Ranbir Kaur and Pushpinder Kaur (through special power of attorney i.e. Ranbir Kaur) appeared before this Court and made their separate statements. As per information provided by the Investigating Officer, no accused is absconding/PO in the case.

(2) That Gurdial Singh son of Balkar Singh, resident of village Bajoke, District Moga is the complainant in the present FIR, whereas, Kulwant Kaur wife of Gurdial Singh and Harvinder Singh son of Gurdial Singh are the injured/aggrieved persons. All of them i.e. Gurdial Singh, Kulwant Kaur and Harvinder Singh (through special power of attorney i.e. Gurdial Singh) appeared before this Court and made their separate statements in support of the compromise.

(3) That as per information provided by the Investigating Officer, the present FIR case is still under investigation.

(4) From the statement of complainant Gurdial Singh and injured/aggrieved persons, namely Kulwant Kaur and Harvinder Singh (through special power of attorney namely Gurdial Singh),

as recorded in the Court on 17.11.2023, it appears that they have genuinely and voluntarily compromised the matter with the accused persons and the compromise arrived at between the parties is not the result of any fraud or misrepresentation and appears to be out of their free will and discretion.

(5) That as per the information provided by the Investigating Officer, none of the accused is involved in any other FIR.”

6. In view of the report given by the learned Magistrate and judgment of the Supreme Court in ***B.S.Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888 and Mrs. Shakuntala Sawhney Versus Mrs. Kaushalya Sawhney, 1979(3) SCR 639***, 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.

7. Accordingly, the petition is allowed. FIR No.120 dated 11.06.2023, under Sections 420, 120-B IPC, registered at Police Station Dharamkot, District Moga, Annexure P1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

15.12.2023
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No