

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-52593-2023

Date of Decision: December 20, 2023

Rekha Rani @ Rekha Mahant**.....Petitioner(s)****Vs.****State of Punjab and another****.....Respondent(s)****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. K. S. Brar, Advocate for the petitioner(s).

Mr. Madhur Sharma, AAG, Punjab

Mr. Nishant Sehgal, Advocate for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of F1R No.189 dated 26.6.2017 (Annexure P-1) under Sections 326, 34 IPC of 1860, registered at P.S. Samrala Police District Khanna, District Ludhiana and all consequential proceedings arising therefrom, on account of compromise dated 25.9.2017 (Annexure P-2) arrived at between the parties and affidavit of respondent No.2/complainant dated 4.10.2023 (Annexure P-3).

2. On 16.10.2023, the following order was passed:-

“ Present petition has been filed under Section 482 Cr PC seeking quashing of FIR No. 189 dated 26.06.2017, registered under Sections 326 read with Section 34 of IPC, at Police Station, Samrala, Khanna, District Ludhiana and all subsequent proceedings arising therefrom, on the basis of compromise/ affidavits dated 25.09.2017 (Annexure P-2) and 04 10.2023 (Annexure P-3), which is stated to have been effected between the parties.

Notice of motion

Learned State counsel, on service of advance copy of the petition. appears and accepts notice on behalf of the respondent-State of Punjab.

Mr. Nishant Sehgal. Advocate for respondent No. 2 appears and admits the factum of compromise

In the aforesaid premise, parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to the compromise.

A report with regard to veracity of the compromise be furnished to this Court on or before the next date.

Post it on 20 12.2023.”

3. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaqa Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Additional Civil Judge (Sr. Division)-cum-SDJM, Samrala, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

4. Learned State counsel on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. In a decision, based on compromise, none of the parties is a loser. Rather, a compromise not only brings peace and harmony between the

parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak. A two Judge Bench of the Hon'ble Supreme Court in ***Shakunta Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63***, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

7. Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466 and Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No.189 dated 26.6.2017 (Annexure P-1) under Sections 326, 34 IPC of 1860, registered at P.S. Samrala Police District Khanna, District Ludhiana (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioner only.

(HARPREET SINGH BRAR)
JUDGE

December 20, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	No