

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(262)

CRM-M-56356-2022
Date of Decision:- 10.10.2023

Amanpreet Kaur and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Suneel Sharma, Advocate for the petitioners.

Mr. Anup Singh, DAG, Punjab
for State-respondent No.1.

Mr. Rahul Verma, Advocate for
Mr. Kanwaljit Singh, Advocate for complainant-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.69 dated 12.03.2019, registered for offences under Sections 323, 325, 452, 506 and 34 of the Indian Penal Code, 1860, at Police Station Zirakpur, District SAS Nagar, Mohali, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 18.11.2022, Annexure P-3, arrived at between the parties.

2. Counsel for the petitioners submits that petitioner No.1 is the daughter-in-law of complainant-respondent No.2 and FIR is an outcome of a family dispute. He submits that an FIR was registered by petitioner No.1 against respondent No.2 for offence under Section 498-A, IPC, which has

also been quashed on the basis of a compromise arrived at between the parties. He submits that pursuant to the settlement, Annexure P-3, parties have appeared before the Trial Court and their statements have been recorded.

3. Upon instructions, State counsel submits that besides the complainant, Gurmukh Singh and Mahinder Singh, were injured in the occurrence, but they have not been impleaded as parties.

4. Counsel representing complainant-respondent No.2 has admitted the factum of compromise and submits that he does not have any objection in case the compromise is given effect to.

5. Heard counsel for the parties.

6. Pursuant to order dated 14.03.2023 passed by this Court, report has been received from the learned Judicial Magistrate, relevant extract of which is as under:-

“1. As per FIR and statement of Investigating officer, the number of accused persons arraigned as accused in the FIR are 04 and all of them have appeared before the Court and have made statement with regard to compromise and that none of the accused is absconding/P.O. in the case.

2. As per statement of parties and Investigating Officer, the name of complainant is Jaswinder Kaur and injured/aggrieved persons are Gurmukh Singh and Mahinder Singh. The complainant and injured/aggrieved persons have appeared and made their statement in support of compromise.

3. As per the statement of Investigating Officer, the report under Section 173 Cr.P.C. has already been presented in the Court. The perusal of file reveals that charge against accused persons has been framed on

17.05.2022 and case is fixed for prosecution evidence for 25.04.2023.

4. As per the statement of parties, the compromise entered upon between the parties is genuine, voluntary and out of free will of the parties.”

7. Perusal of the report shows that both the injured, although not impleaded as parties, have appeared before the Trial Court and have supported the compromise.

8. In view of the report given by the learned Magistrate and the 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.

9. Accordingly, the petition is allowed. FIR No.69 dated 12.03.2019, registered for offences under Sections 323, 325, 452, 506 and 34 of the Indian Penal Code, 1860, at Police Station Zirakpur, District SAS Nagar, Mohali, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

10.10.2023
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No