

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

279

CRM-M-52824-2019

Date of decision : 17.04.2023

Miyan Manjit @ Manjit Khan and Anr.

..... Petitioners

V/S

State of Punjab and Another.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioners.

Mr. Mohinder Singh Joshi, Additional A.G. Punjab.

Mr. T.S.Hundal, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. The petitioners- Miyan Manjit @ Manjit Khan and Seema Rani @ Simran has filed the instant petition under Section 482 of Cr.P.C. for quashing of FIR No.45 dated 18.03.2017, under Sections 306, 511, 309 of IPC, registered at Police Station Dayalpura, District Bathinda and all other subsequent proceedings on the basis of compromise between the parties dated 30.11.2019 (Annexure P-2).
2. As per the facts of the case, the complainant-Amarjeet Kaur gave her statement to the police that she is mother of two sons and a daughter. Her husband expired two and a half years ago. Her elder daughter i.e. Seema Rani @ Simran along with her husband Miyan Manjit @ Manjit Khan came to her house at about 2:00 p.m. on 18.03.2017. The marriage of Seema Rani @ Simran was performed about 15 years ago as per Muslim rites. Soon after marriage, she was given her due share in the property. After receiving

share, she stopped visiting her house. On 30.12.2016 Seema Rani @ Simran came along with her husband Miyan Manjit @ Manjit Khan and insisted to give her share in the property. She explained to them that they had already given their share. In the meantime her daughter consumed some poisonous substance and became unconscious. Her husband Miyan Manjit @ Manjit Khan used to instigate her daughter to consume poison in order to force her to give share in the property. Miyan Manjit @ Manjit Khan took her daughter to the hospital. The complainant came to lodge the report along with M.C. Sukhdev Singh resident of village Maluka.

3. The petitioners filed this petition for the quashing of aforesaid FIR on the basis of compromise. The petitioners and respondent No.2 were directed to appear before the trial Court/Illaq Magistrate for recording their statements on the basis of compromise. The detailed report regarding compromise has been received from the court of Judicial Magistrate 1st Class, Phul dated 08.04.2021. The statement of respondent No.2 has been recorded, where she confirmed the compromise with the petitioners. She confirmed that this compromise has been effected without any pressure, coercion from any side and she has no objection regarding quashing of FIR. The petitioners- Miyan Manjit @ Manjit Khan and Seema Rani @ Simran also confirmed the aforesaid fact in their separate statement.
4. Therefore, from the report of Judicial Magistrate 1st Class, Phul it is clear that the compromise has been effected between the parties without any pressure, coercion or undue influence. The learned Judicial Magistrate in his report also confirmed that the accused are neither involved in any other case nor have been declared as proclaimed offenders.

5. The facts of the case indicate that there was property dispute between the complaint-Amarjeet Kaur, her daughter Seema Rani @ Simran and her son-in-law Miyan Manjit @ Manjit Khan. The petitioners were happily married. After the death of husband of the complaint i.e. respondent No.2. Seema Rani @ Simran started insisting to give her share in the property. In that course Seema Rani @ Simran consumed some poison but she was saved by giving timely medical treatment. Now the matter has been compromised between Seema Rani @ Simran, her husband Miyan Manjit @ Manjit Khan and the complainant-Amarjeet Kaur. The FIR is under Section 306 read with Section 511 IPC and Section 309 IPC. As per the status report the matter is still under investigation and challan is yet to be framed. No doubt the aforesaid offence is serious, however the life of Seema Rani @ Simran was timely saved and the matter has been reconciled between the family. Under these circumstances, I rely upon the authority of Larger Bench of Five Judges of this High Court cited in **2007(3) R.C.R. (Criminal) 1052 tilted as Kulwinder Singh and Ors. Vs. State of Punjab and Anr.,** where it was explained that 'there can never be any hard and fast category which can be prescribed to enable the court to exercise its power under Section 482 of Cr.P.C. The only principle that can be laid down is the one which has been incorporated in the section itself i.e. to prevent abuse of the process of any court or to secure the ends of justice.'
6. Therefore by relying upon the ratio of the aforesaid judgments no purpose would be served with the continuation of criminal proceedings. They have settled all their disputes and living happily. Considering these facts the petition filed by the petitioners is accepted and FIR No.45 dated 18.03.2017,

under Sections 306, 511, 309 of IPC, registered at Police Station Dayalpura, District Bathinda and the consequential proceedings arising therefrom are quashed.

The present petition accordingly stands accepted.

(AMARJOT BHATTI)
JUDGE

17.04.2023.
Sunil Devi

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No