

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-8469-2024
Date of decision: 08.04.2024

GURMUKH SINGH AND ORSPETITIONERS
Versus
STATE OF PUNJAB AND ANOTHERRESPONDENTS

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Samay Singh Sandhawalia, Advocate
for the petitioner.

Mr. Iqbal Singh, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is for quashing of FIR No.91, dated 06.07.2021, lodged under Sections 379-B, 365, 323, 148, 149, 342, 506 of the Indian Penal Code, 1860 (Section 325 and 397 IPC added later on) at Police Station Kiratpur Sahib, District Ropar and all consequential proceedings arising out of the same, on the basis of compromise affidavit (Annexure P-2) arrived at, between the parties.
2. Vide order dated 19.02.2024 passed by this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate to get their statements recorded regarding the compromise arrived at, between them.
3. Report has since been received from learned Judicial Magistrate Ist Class, Sri Anandpur Sahib, in pursuance of the directions of this Court, wherein, the factum of the compromise arrived at between the parties stands verified and confirmed. As per the report, compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainant has also made statement to the effect that she would have no objection if the FIR *qua* the accused-petitioners is quashed. However, it has been reported that the petitioners are invovled in one another FIR No.43 dated

10.04.2021 under Sections 363, 366, 328, 342, 506, 120B, 376, 5121, 463, 465, 468, and 471 IPC, PS Kiratpur Sahib.

4. Learned counsel for the petitioner, however, submits that it was a false case, which was lodged against the petitioners on account of some matrimonial dispute between the parties and had since been quashed.

5. Learned State counsel, on instructions from ASI Charan Singh, has not disputed the submissions made by learned counsel for the petitioners qua the said case having been quashed on the basis of compromise effected between the parties.

6. Mr. Puneet Bali, Advocate has put in appearance on behalf of complainant and filed his power of attorney in Court today, which is taken on record. Learned counsel for the complainant does not oppose the submissions made by learned counsel for the petitioners.

5. The Trial Court has annexed the copies of statements of the parties, alongwith its report.

6. In view of the report of the learned Judicial Magistrate Ist Class, Sri Anandpur Sahib and the principles laid down by the Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***, and also by the Full Bench of this Court in ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising out of it, are quashed qua petitioners.

7. Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

08.04.2024

Aman Dua

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No