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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 16410 of 2023
Date of Decision: 01.03.2024

Gurwinder Kaur and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the petitioners.
Mr. Rishabh Singla, AAG, Punjab.
None for respondent No. 2.

HARPREET SINGH BRAR, J.(ORAL)

1. Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of case FIR No.155 dated 09.09.2021 under Sections 452/325/323/34 IPC of 1860 registered at Police Station Majitha, District Amritsar (Annexure P-1) and all subsequent proceedings arising out of the said FIR on the basis of compromise dated 11.03.2023 (Annexure P-2).

2. The following order was passed on 16.10.2023:
“Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of case FIR No.155 dated 09.09.2021 under Sections 452/325/323/34 IPC of 1860 registered at Police Station Majitha, District Amritsar (Annexure P-1) and all subsequent proceedings on the basis of compromise dated 11.03.2023 (Annexure P-2).

Learned counsel for the petitioners submits that the present proceedings are an off-shoot of matrimonial discord and with the intervention of respectables and other relatives, parties have effected compromise. It is further submitted that accused petitioner No.1 and the son of the complainant respondent herein have amicably resolved to part ways

and annul their marriage by a decree of divorce by mutual consent. First motion statements therein have also since been recorded.

Learned counsel appearing for complainant-respondent No.2 affirms the aforesaid fact. He submits that statements to be recorded in second motion, are pending for 20.10.2023. He prays that the statement in support of the compromise, in the present proceedings, be also recorded on the same day.

Learned State counsel pleads no objection if the prayer made by learned counsel for respondent No.2 is accepted.

Both the parties are directed to appear before the concerned trial Court/Duty Magistrate for recording their statements on 20.10.2023 or any other date convenient to the trial Court/Duty Magistrate. The statement of Investigating Officer be also recorded on the same day, who would also identify the parties appearing before the Court. The original compromise shall be produced before the trial Court/Duty Magistrate.

The trial Court/Duty Magistrate is directed to submit a report on or before the next date of hearing, containing the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed person?*
- 3. Whether all the accused/petitioner(s) is/are appearing before the Court?*
- 4. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 5. Whether the accused/petitioner(s) is/are involved in any other FIR or not?*
- 6. The trial Court/Illaga Magistrate/Duty Magistrate is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

A copy of the statements so recorded be also sent along with the report.

List on 06.12.2023.

State to file reply/status report by the next date.”

3. In compliance of the above order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. In view of the compromise and the ratio of law laid down by the

Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab**

and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of

Madhya Pradesh 2021 SCC OnLine SC 834 and Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63 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.155 dated 09.09.2021 under Sections 452/325/323/34 IPC of 1860 registered at Police Station Majitha, District Amritsar (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

01.03.2024

(HARPREET SINGH BRAR)

Rajeev (rvs)

JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No