IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

288 **CRM-M-19123-2024**
Date of Decision : **May 16, 2024**

MANJIT KAUR AND ANR

.....Petitioners

VERSUS

STATE OF PUNJAB AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Jagraj Singh Khiva, Advocate
for the petitioners.

Mr. Akshay Kumar, AAG, Punjab.

Ms. Geetanjali Sharma, Advocate
for respondent No.2.

KULDEEP TIWARI, J. (Oral)

1. The instant petition, as cast under Section 482 of the Cr.P.C., proffers the hereinafter extracted relief, as craved by the petitioners, inasmuch as, quashing of the FIR No.0088 dated 16.8.2023, under Section 420 of IPC, registered at Police Station Bareta, District Mansa and all subsequent proceedings arising therefrom, on the basis of a compromise (Annexure P-3), as entered into *inter se* the petitioners and respondent No.2/complainant.

2. Upon an affirmative response from the learned counsel for respondent No.2/complainant *qua* the compromise (Annexure P-2), a Co-ordinate Bench of this Court had, through an order drawn on 20.4.2024, upon the instant petition, besides issuing notice, directed the parties to

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appear before the learned trial Court/Illaqa Magistrate concerned, for getting their respective statements recorded *qua* authenticity of the compromise (Annexure P-3). Moreover, the trial Court/Illaqa Magistrate concerned was also directed to send a report in the above regard.

3. Consequent to the making of the directions (supra), the parties appeared before the learned Judicial Magistrate 1st Class, Bathinda and got their respective statements recorded, thereby authenticating the compromise (Annexure P-3). Accordingly, in compliance of the directions (supra) of this Court, a Report bearing No.148 dated 2.5.2024 has received from the learned Judicial Magistrate 1st Class, Bathinda, wherein, a satisfaction has been recorded by the Magistrate concerned *qua* the compromise (supra) being drawn in a genuine and voluntary and without any pressure or coercion and out of free will of the parties.

4. This Court have heard counsel for the parties and gone through the case file.

5. A Co-ordinate Bench of this Court, in **CRM-M-25669-2020 (O&M)**, titled **"Abhishek Singh & others V/s State of Punjab & others"**, **Pronounced on: 07.04.2022,** while granting a similar relief, as craved in the instant petition, has observed as under:-

> *"9. The following aspects would be relevant to conclude this petition:-*
>
> *a) The accused and the private respondents have amicably settled the matter between them in terms of the compromise deed and the statements recorded before the concerned Court;*

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b) A perusal of the documents reveal that the settlement has not been secured through coercion, threats, social boycotts, bribes, or other dubious means;

c) The victim has willingly consented to the nullification of criminal proceedings;

d) There is no objection from the private respondents in case present FIR and consequent proceedings are quashed;

e) In the given facts, the occurrence does not affect public peace or tranquillity, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy;

f) The rejection of compromise may also lead to ill will. The pendency of trial affects career and happiness;

g) There is nothing on the record to prima facie consider the accused as an unscrupulous, incorrigible, or professional offender;

h) The purpose of criminal jurisprudence is reformatory in nature and to work to bring peace to family, community, and society;

i) The exercise of the inherent power for quashing the conviction, sentence and all previous proceedings is justified to secure the ends of justice."

7. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioner/accused has been charged, are not of grave in nature, as also in view of the law laid down in ***Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543*** and ***Kulwinder Singh, others Vs. State of Punjab 2007 (3) RCR (Criminal) 1052,*** the present petition for quashing the FIR

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(supra) is hereby **allowed**.

7. Resultantly, FIR No.0088 dated 16.8.2023, under Section 420 of IPC, registered at Police Station Bareta, District Mansa and all subsequent proceedings arising therefrom, are, hereby, **quashed** on the basis of a compromise (Annexure P-3), subject to payment of ₹5,000/- to be deposited with the District Legal Services Authority concerned.

(KULDEEP TIWARI)
JUDGE

May 16, 2024
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No

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