

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

295

CRM-M-21715-2022 (O&M)
Date of decision: 07.03.2024

KAMAL JAIN AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Ravi Chadda, Advocate
for the petitioners.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

Ms. Inder Pal Singh, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0216 dated 05.09.2018, under Section 354 IPC, registered at Police Station Tanda, District Hoshiarpur (Annexure P-1), on the basis of compromise (Annexure P-2) arrived at between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that an altercation took place between the parties, who are related, because there was a dispute amongst them regarding posts of office bearers of a Jain Temple. He further contends that though it has been alleged by the complainant-respondent No.2 that petitioner No.1 outraged her modesty, yet the allegation is false and now

the dispute, which is private in nature, has been settled by virtue of compromise, (Annexure P-2).

[3] Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties.

[4] On 04.08.2022, the parties were directed to appear before the Area Magistrate/trial Court for recording of their statements regarding the compromise.

[5] As per the report dated 30.09.2022, received from the Judicial Magistrate, Ist Class, Dasuya through the District & Sessions Judge, Hoshiarpur compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. He has submitted that one criminal case bearing FIR No.185 of 2019 registered under Sections 186, 353, 506, 34 IPC at Police Station Tanda, District Hoshiarpur is pending against accused-Kamal Jain and Vikas Jain.

[6] Learned counsel for the petitioners has placed on record copy of judgment dated 12.12.2023 passed by the Judicial Magistrate, 1st Class, Dasuya in Court today, which is taken on record. As per the said judgment the accused-Kamal Jain and Vikas Jain have been acquitted in the said FIR.

[7] Learned State counsel has not raised any objection regarding the acceptance of the present petition.

[8] Keeping in view the facts and circumstances of the case; the fact that the parties have compromised the matter; it was private in nature; parties do not want to further linger on the litigation and in view of the ratio of the decision of Hon'ble Apex Court in **Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543** and the decision of Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR**

(Criminal) 1052, the ends of justice would meet if the FIR and consequential proceedings are quashed by accepting the compromise between the parties.

[9] Consequently, this petition is allowed and FIR No.0216 dated 05.09.2018, under Section 354 IPC, registered at Police Station Tanda, District Hoshiarpur and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[10] However, the respondent No.2 and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise (Annexure P-2) are violated.

[11] Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

07.03.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No