



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

308

CRM-M-26120-2024 (O&M)  
Date of decision: 01.08.2024

RAHUL KUMAR AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Satpal Singh, Advocate  
for the petitioners.

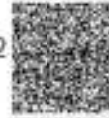
Mr. D.B. Singh, Sr. DAG, Punjab.

Mr. S.S. Tiwana, Advocate for  
Mr. B.P.S. Virk, Advocate  
for respondent No.2.

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HARPREET KAUR JEEWAN, J.

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of complaint No.57 dated 23.10.2015 (Annexure P-1) titled Baljinder Kaur wife of Kulwinder Kumar vs. Rahul Kumar and another under Sections 323, 341, 354, 354-A, 154-A, 506 IPC against petitioner No.1-Rahul Kumar and under Sections 323, 506 IPC and Sections 3/4/X/XI/XII of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against petitioner No.2-Naresh Bala and quashing of the summoning order dated 04.12.2015 (Annexure P-2) passed by the learned Judicial Magistrate 1<sup>st</sup> Class, Phagwara District Kapurthala, on the basis of compromise (Annexure P-4) executed between the parties.



[2] Learned counsel for the petitioners *inter alia* contends that the FIR was registered at the instance of respondent No.2 due to misunderstanding between the parties. He further contends that the matter has been settled between the petitioners and respondent No.2; and compromise (Annexure P-4) has been executed between them. As such, respondent No.2 does not want to take any action in the FIR.

[3] Learned counsel for respondent No.2 confirms about the factum of compromise between the parties.

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

[5] On 23.05.2024, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise. The said order reads as under:

‘Learned counsel for the petitioners contends that even before filing of the private complaint, the private respondent had made a complaint to the police authorities, in which detailed enquiry was conducted and the allegations were found false. Thereafter, the private respondent submitted a private complaint before the Area Magistrate and without considering the enquiry report by the police authorities, summoning order was passed. He further contends that now compromise (Annexure P-4) has been executed *inter se* the parties, as such respondent No.2 does not want to take any action in the present FIR.

Notice of motion.

On the asking of the Court, Ms. Himani Arora, AAG, Punjab accepts notice on behalf of respondent No. 1-State.

Mr. B.P.S. Virk, Advocate has put in appearance on behalf of the respondent No.2 and filed his power of attorney, which is taken on record. He confirms about factum of compromise between the parties.

The State to file objections, if any; and also to verify as to whether all the accused in the present FIR/case have been arrayed as a party in the present petition and as to whether any of the accused has been declared as proclaimed offender. State may file reply/status report.

Copies of the petition be handed over to learned counsel for the respondents during the course of the day.

Adjourned to 01.08.2024.

The parties are directed to appear before the trial Court/Illaq Magistrate up-to 02.07.2024 for recording of their statements. After recording the statements of all the accused, victim, complainant and injured if any, the trial Court/Illaq Magistrate shall send a report to this Court on the following facts well before the next date of hearing.’



[6] As per the report dated 20.07.2024 received from Judicial Magistrate 1<sup>st</sup> Class, Phagwara forwarded through the office of District and Sessions Judge, Kapurthala, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as 'Proclaimed Offenders'.

[8] Keeping in view the fact that the compromise between the parties is genuine and voluntarily made 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 complaint No.57 dated 23.10.2015 (Annexure P-1) titled Baljinder Kaur wife of Kulwinder Kumar vs. Rahul Kumar and another under Sections 323, 341, 354, 354-A, 154-A, 506 IPC against petitioner No.1-Rahul Kumar and under Sections 323, 506 IPC and Sections 3/4/X/XI/XII of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against petitioner No.2-Naresh Bala and the summoning order dated 04.12.2015 (Annexure P-2) passed by the learned Judicial Magistrate 1<sup>st</sup> Class, Phagwara, District Kapurthala 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-4) are violated.



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

(HARPREET KAUR JEEWAN )  
JUDGE

01.08.2024

P.Bhatt

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |