

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

270

CRM-M-30797-2022(O&M)
Date of decision: 01.04.2024

JASPAL SINGH AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Sahil Puri, Advocate
for the petitioners.

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

Mr. Saksham Malhotra, Advocate and
Mr. Neelesh Bhandari, Advocate
for respondents No.2 and 3.

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.204 dated 24.12.2015, under Sections 307, 498-A, 34 IPC registered at Police Station Sultanpur, District Kapurthala (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 the FIR was registered due to a matrimonial dispute between the petitioner No.1-husband, who got married to respondent No.3-wife and out of this wedlock, a girl child was born who is about 8 years old. He further contends that the matter has been settled

between the parties and compromise (Annexure P-2) has been executed between them. The girl child is residing along with her mother-respondent No.3-Simranjeet Kaur @ Simarjit Kaur @ Simarjeet Kaur. As per the compromise, an FD for a sum of Rs.2,15,000/- has been opened in the name of girl child namely Harmanpreet Kaur and the same has been handed over to respondent No.3. It is further agreed in the compromise that the petitioner No.1-husband will have no concern or connection with his daughter and wife, as such, respondents No.2 and 3 do not want to take any action in the present FIR. He submits that during the pendency of the petition, the petitioner No.1 had expired.

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

[4] On 30.01.2024, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] As per the report dated 14.03.2024, received from the Additional District and Sessions Judge, Kapurthala through the District & Sessions Judge, Kapurthala, compromise effected between the parties is genuine, correct and is not the result of any fraud or misrepresentation and is the result of free will of the parties. There is no other accused in the FIR except the present petitioners. No other case is pending against the present petitioners and they have not been declared "Proclaimed Offenders".

[6] Learned State counsel has not raised any objection regarding the acceptance of the present petition. He has informed that during the trial, prosecution witnesses have already been recorded.

[7] I have considered the aforesaid contentions. The parties have effected

a compromise. No doubt the allegations against the petitioners are grievous in nature as there were about 30% burn injuries on abdomen, thighs and legs of the respondent No.3 as per statement of Dr. Sarika Duggal, PW-5 (Annexure P-3). The allegations in the FIR (Annexure P-1) constituting offence under Section 307 IPC for causing burn injuries to respondent No.3 are attributed to petitioner No.1-husband, who has already expired during the pendency of the present petition. The interest of the minor child has already been secured by way of monetary payment in shape of FD deposited by petitioner No.1.

[8] Even though the allegations in the FIR are serious in nature but it is in the interest of justice as well as in the interest of minor child that compromise should be accepted. Keeping in view the facts and circumstances of the case 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.204 dated 24.12.2015, under Sections 307, 498-A, 34 IPC registered at Police Station Sultanpur, District Kapurthala (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[10] However, the respondents No.2 and 3 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

01.04.2024

P.Bhatt

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