



Sr. No.295

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-33774-2024

Date of decision: 02nd September 2024

RAKESH KUMAR

.....Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sunil Kumar Sahore, Advocate
for the petitioner.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

Ms. Himani Kapila, 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.247 dated 23.12.2022, under Section 498-A IPC, 1860, registered at Police Station Dinanagar, District Gurdaspur (Annexure P-1), on the basis of compromise deed dated 12.06.2024 (Annexure P-2), executed between the parties.
2. This Court, vide order dated 17.07.2024, had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.
3. Pursuant to the aforesaid order, the parties have appeared before the Judicial Magistrate Ist Class, Gurdaspur and got their statements recorded. On the basis of the statements so recorded, the learned Magistrate has submitted report dated 31.07.2024 with the following observations:-



“xxx xxx xxx xxx

(i) *As per the statements of parties recorded in the Court, the compromise, so arrived at between the parties, is genuine, voluntarily and out of free will.*

(ii) *The only complainant/injured/victim namely Anita Devi wife of Rakesh Kumar daughter of Tarsem Lal, resident of village Baido Chak, Post Office Dholowal, Tehsil and District Gurdaspur and the only accused namely Rakesh Kumar son of Raj Kumar resident of village Bariar, Tehsil and District Gurdaspur, are party to the compromise.*

(iii) *As per the statement of Investigating Officer, no additional accused has been added during the investigation.*

(iv) *No accused is proclaimed offender.*

(v) *As per statement of Investigating Officer, after registration of FIR, neither any offence was added nor deleted, during investigation.*

(vi) *As per the statement of the Investigating Officer, investigation has been concluded, but challan is yet to be filed in the court.*

xxx xxx xxx xxx”

4. Learned State counsel as well as counsel for respondent No.2 have not disputed the factum of compromise between the parties.

5. In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

6. Following the principles laid down by the Full Bench judgment of this Court in “Kulwinder Singh and others Versus State of Punjab and another 2007” (3) RCR (Criminal) 1052 and approved by the Hon'ble Supreme Court in “Gian Singh Versus State of Punjab and others” (2012) 10 SCC 303, the present petition is allowed and FIR No.247 dated 23.12.2022, under Section 498-A IPC, 1860, registered at Police Station Dinanagar, District Gurdaspur (Annexure P-1) and all



subsequent proceedings arising therefrom are ordered to be quashed qua the petitioner.

7. 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 deed dated 12.06.2024 (Annexure P-2) are violated.

8. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

02nd September 2024
simran

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