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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39543-2022 (O&M)
Date of Decision: 25.04.2024

SUKHPAL KAUR AND OTHERS

... PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. G.S.Gill, Advocate for the petitioners

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr.Sourabh Singla, Advocate for respondents No.2 to 4

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HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. seeking quashing cross complaint case registered vide G.D. No. 44 dated 24.05.2020 under Sections 323, 427, 506, 148 and 149 of the Indian Penal Code (Section 354-A IPC added later on) at Police Station Patran, District Patiala (Annexure P-1), along with all subsequent proceedings arising therefrom, on the basis of the compromise deed dated 26.08.2022 (Annexure P-2) executed between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the matter has been finally settled with the intervention of the respectables. Even the proceedings have been quashed in the main FIR No. 145 dated 24.05.2020 at Police Station Patran, District Patiala which was registered at the instance of petitioner No.1-Sukhpal Kaur. Copy of the order dated

14.02.2023 passed by the Co-ordinate Bench in CRM-M-30766-2022 has been submitted in the Court, which is taken on record whereby the proceedings in the said FIR have already been quashed.

[3] On 02.09.2024 following contentions were recorded and the report of the Judicial Magistrate regarding the genuineness of the compromise was sought:

“Counsel for the petitioners submits that FIR is an outcome of a petty dispute amongst neighbours. He submits that a scuffle allegedly took place between the parties during which, the clothes of the complainant got torn. He asserts that there was no intention on the part of the accused to outrage the modesty of the complainant. Still further, he submits that cross version case bearing FIR No.145 dated 24.05.2020 registered at Police Station Patran, District Patiala is subject matter of CRM-M-30766-2022, wherein on the basis of a separate compromise, the parties have been directed to get their statements recorded.

Notice of motion.

On asking of the Court, Mr. P.S.Grewal, DAG, Punjab accepts notice of behalf of State-respondent No.1. Upon instructions, State counsel submits that the matter is under investigation.

Mr. Sourabh Singla, Advocate has put in appearance and accepts notice on behalf of complainant-respondent No.2 and victim-respondents No.3 and 4. He has filed Vakalatnama, which is taken on record. He has admitted the factum of compromise and supports the prayer made in the petition.

The parties and the Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 10.11.2022 or on any day thereafter as fixed by the trial Court, for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing specifying the following:-

1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;
2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;
3. the stage of trial/proceedings;
4. if the compromise is genuine, voluntary and out of free will of the parties;
5. whether any other criminal case is pending against the accused.

Report of the Area Magistrate/Trial Court be awaited for 25.01.2023.”

[4] As per the report dated 15.01.2024 submitted by the Judicial Magistrate First Class, Samana through the District & Sessions Judge, Patiala, the compromise executed between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as “Proclaimed Offender”. The statement of complainant-Gurpreet Kaur has been recorded apart from recording the statement of ASI Jaswant Singh and the statement of the petitioners.

[5] Today, learned counsel appearing for respondent Nos. 2 to 4 has submitted that he has no objection for accepting the present petition and has confirmed the factum of compromise between the parties.

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

[7] Keeping in view the facts and circumstances of the case, 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.

[8] Consequently, this petition is allowed and G.D. No.44 dated 24.05.2020 under Sections 323, 427, 506, 148 and 149 of the Indian Penal Code (Section 354-A IPC added later on) at Police Station Patran, District Patiala, and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

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

25.04.2024
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(HARPREET KAUR JEEWAN)
JUDGE

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