

**Sr. No.300****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-37783-2024 (O&M)****Date of decision: 06th November 2024****GAGANDEEP KAURA ALIAS
GAGANDEEP SINGH AND OTHERS****.....Petitioners****versus****STATE OF PUNJAB AND ANOTHER****.....Respondents****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Ashok Kumar Khunger, Advocate
for the petitioners.

Mr. Jasdeep Singh, DAG, Punjab.

Mr. R.P. Daaria, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.43 dated 17.04.2024, under Sections 498-A, 406 IPC, 1860, registered at Police Station City-2, Abohar. District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise deed dated 17.07.2024 (Annexure P-2), executed between the parties.

2. This Court, vide order dated 13.08.2024, 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, Abohar and got their statements recorded.



On the basis of the statements so recorded, the learned Magistrate has submitted report dated 14.10.2024 with the following observations:-

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1. Complainant Damanpreet Kaur and accused persons namely Gagandeep Kaura alias Gagandeep Singh, Gudibala alias Gudbala, Suraj Koda alias Kaura, Ritika alias Rajni, Rohit Kumar, Disha alias Geeta and Sweta alias Kamini have entered into compromise and the said compromise between the parties is valid and genuine and it is voluntarily effected between the parties with their free will and without any pressure, threat, coercion or any kind of influence from any quarter.

2. The complainant, injured, victim i.e. the complainant Damanpreet Kaur and seven accused persons Gagandeep Kaura alias Gagandeep Singh, Gudibala alias Gudbala, Suraj Koda alias Kaura, Ritika alias Rajni, Rohit Kumar, Disha alias Geeta and Sweta alias Kamini are party to the compromise and they recorded their statement before the Court.

3. As per statement of IO HC Pawan Kumar, during investigation, no other additional accused except the abovesaid appearing accused persons has been added or made party to the compromise in the present case.

4. As per statement of IO HC Pawan Kumar, none of the above-said appearing accused persons have been declared as Proclaimed person/offender.

5. As per statement of IO HC Pawan Kumar, after the registration of the FIR no offence was added or deleted during investigation of the present case.

6. As per statement of IO HC Pawan Kumar, the present case is under investigation and none of the appearing accused persons have been declared as innocent.

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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.43 dated 17.04.2024, under Sections 498-A, 406 IPC, 1860, registered at Police Station City-2, Abohar. District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom are ordered to be quashed qua the petitioners.
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 17.07.2024 (Annexure P-2) are violated.
8. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

06th November 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No