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

CRM-M-43538-2024

Date of Decision: 08.11.2024

GURBHEJ SINGH AND OTHERS**... PETITIONERS****VS.****STATE OF PUNJAB AND ANOTHER****.. RESPONDENTS****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Aakash Rana, Advocate for
Mr. Sandeep Kumar, Advocate
for the petitioners.

Mr. Jasdeep Singh, DAG, Punjab.

Mr. Sahil Nain, Advocate for
Mr. Digvijay Lambra, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN , J.(ORAL)

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for quashing of FIR No.53 dated 20.07.2019, under Sections 498-A, 406 IPC, 1860, registered at Police Station City Ahmedgarh, District Malerkotla (Annexure P-1), on the basis of a compromise deed dated 22.08.2024 (Annexure P-2) executed between the parties.

2. This Court, vide order dated 04.09.2024, had directed the parties to appear before the trial Court/Illaq Magistrate 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, Malerkotla and got their statements



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

“xxx xxx xxx xxx

I. The compromise effected between the parties is genuine, voluntary in nature and out of their free will as the compromise between the parties has been arrived in the presence of their respective counsels and in order to maintain cordial relations between the parties.

*II. As per the statements furnished, the complainant **Harpreet Kaur** and all the accused/petitioners namely **Gurbhej Singh, Raghbir Singh and Narinder Kaur** are party to the compromise effected in the present case. Apart from the present complainant as per the statement of the Investigating Officer, there is no other injured or victim or any other accused apart from the present petitioners, in the present case.*

*III. During investigation as per the statement of the IO, no additional accused had been added by the police. However, accused **Raghbir Singh** was added as an accused in the present case based upon an application under Section 319 of CrPC by the Court during trial.*

IV. As per the statements furnished by the parties and by IO, none of the accused persons have ever been declared as a proclaimed offender nor any such proceedings are pending against any of them.

V. As per the statement furnished by IO, after the registration of the FIR, no other offence has been added or deleted during the investigation.

VI. As per the statement furnished by IO, no further investigation is pending against any of the accused and none of the accused persons has been declared as innocent.

*This Court would further like to submit that as per the statement of the IO and the parties, apart from the present FIR, one another **FIR bearing no. 111 dated 22.05.2019 under Section 323, 341, 506 and 34 of IPC** has been registered against the afore said accused persons based upon the complaint by the mother of the complainant i.e. **Swaranjit Kaur**. Apart from the said FIR, no other case or criminal proceedings are pending or registered*



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against any of the accused persons.

Based upon this, the undersigned is of the considered opinion that the compromise is genuine, voluntary in nature and out of free.”

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.53 dated 20.07.2019, under Sections 498-A, 406 IPC, 1860, registered at Police Station City Ahmedgarh, District Malerkotla (Annexure P-1), on the basis of a compromise deed dated 22.08.2024 (Annexure P-2) executed between the parties is ordered to be quashed qua the petitioners.
7. However, the respondent No.2/complainant and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise deed dated 22.08.2024 are violated.
8. Pending miscellaneous application(s), if any, shall also stand disposed of.

08.11.2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No