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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision : 19.07.2024

Rajwinder Kaur and Anr.

..... Petitioners

V/S

State of Punjab and Anr.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Ms. Mehak Bedi, Advocate for
Mr. Vivek K.Thakur, Advocate for petitioners.

Mr. Amandeep Singh, DAG, Punjab.

Ms. Vaishali Thakur, Advocate for respondent No.2.

AMARJOT BHATTI J.

1. Petitioners – Rajwinder Kaur and Harpreet Kaur @ Preeti have filed instant petition under Section 482 of Cr.P.C. for quashing of FIR No.54 dated 06.07.2023 under Sections 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015), registered at Police Station Sadar Phagwara, District Kapurthala, Punjab (Annexure P-1) and all other subsequent proceedings on the basis of compromise between parties regarding which complainant has already furnished an affidavit dated 11.07.2023 (Annexure P-2).

2. Facts of the case are Manjit Singh Panch complainant stated that he had filed a complaint against Rajwinder Kaur w/o Varinder Singh and Harpreet Kaur @ Preeti d/o Amrik Singh for speaking caste indicative words for him. Matter was compromised with the intervention of Gram Panchayat of Village Madhopur that he will withdraw his complaint and their problem in the village will be resolved. He did not take any action on



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his complaint but thereafter, Sarpanch Palwinder Kaur and Gram Panchayat did not fulfill their compromise regarding construction of street. In this way they have cheated them and requested for action to be taken on his complaint.

3. Petitioners filed this petition for quashing of aforesaid FIR on the basis of compromise. Petitioners and respondent No.2 were directed to appear before the trial Court/Illaq Magistrate for recording their statements on the basis of compromise. Detailed report regarding compromise has been received from the court of Judicial Magistrate 1st Class, Phagwara dated 03.11.2023. Statement of respondent No.2 has been recorded, where he confirmed the compromise with petitioners. He confirmed that this compromise has been effected without any pressure, coercion from any side and he has no objection regarding quashing of FIR.

4. Petitioners – Rajwinder Kaur and Harpreet Kaur @ Preeti also confirmed this fact in their separate statement. Statement of SI Kamaljit Singh is also recorded who further confirmed that accused have not been declared as proclaimed offender.

5. Therefore, from the report of Judicial Magistrate 1st Class, Phagwara, it is clear that compromise has been effected between parties without any pressure, coercion or undue influence, which is acceptable to both the parties. Gainful reference can be made to the authority of Hon'ble Apex Court in ***“Ramawatar v. State of M.P.” (2022) 13 Supreme Court Cases 635***, para No.17 which runs as under:-

“Where it appears to the Court that the offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where



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the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings. On Similar lines, when considering a prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that the offence is covered under a “special statute” would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482 Cr.P.C.”

6. In the case in hand both parties have mutually settled all their disputes. They are residents of same village. It would enable them to live in peace and harmony and end all litigation started between them. Thus no purpose would be served with the continuation of criminal proceedings.

7. Therefore considering these facts, petition filed by petitioners is accepted and FIR No.54 dated 06.07.2023 under Sections 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015), registered at Police Station Sadar Phagwara, District Kapurthala, Punjab (Annexure P-1) and all other subsequent proceedings arising therefrom are quashed.

8. Accordingly, present petition stands accepted.

9. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(AMARJOT BHATTI)
JUDGE

19.07.2024.

Sunil Devi

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No