

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210/A

CRM-M-58117-2023 (O&M)
Date of decision: 11.03.2024

HARPREET SINGH AND ORS

...Petitioners

Versus

STATE OF PUNJAB AND ANR

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. B.S. Aulakh, Advocate
for the petitioners.

Mr. G.S. Bhullar, AAG, Punjab.

Ms. Tanvir Joshi, 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.109 dated 23.11.2022, under Sections 323, 354, 376(2)(N), 420, 120-B IPC, registered at Police Station Joga, District Mansa (Annexure P-1), on the basis of compromise (Annexure P-3) arrived at between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the FIR was registered at the instance of respondent No.2 on the allegations that respondent No.2 was having dispute with her husband. He further contends that now the matter has been resolved between the parties and compromise (Annexure P-3) has been effected between them. He submits that respondent No.2 is happily residing in her matrimonial house with petitioner No.1, as such, respondent No.2

does not want to take any action in the present FIR.

[3] Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties.

[4] On 21.11.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] As per the report dated 14.12.2023, received from the Judicial Magistrate, Ist Class, Mansa through the District & Sessions Judge, Mansa compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as "Proclaimed Offenders" and they are not involved in any other criminal case.

[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 parties have compromised the matter; it was private in nature; parties do not want to further linger on the litigation 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 FIR No.109 dated 23.11.2022, under Sections 323, 354, 376(2)(N), 420, 120-B IPC, registered at Police Station Joga, District Mansa and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[9] 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 (Annexure P-3) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

11.03.2024

P.Bhatt

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