

245 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63780-2023 (O&M)

Date of decision: 15.04.2024

HARPAL KAUR AND ANOTHER

...PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mohit Shukla, Advocate
for the petitioners.

Mr. Ramandeep Singh, Sr. DAG Punjab.

Mr. Karan Diwan, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 139 dated 30.06.2020 registered under Sections 406 and 498-A of Indian Penal Code at Police Station Dirba, District Sangrur, Punjab and all subsequent proceedings arising therefrom on the basis of compromise dated 02.12.2023 (Annexure P-2).

2. The following order was passed on 18.12.2023:

“This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.139 dated 30.06.2020 under Sections 406 and 498-A of the Indian Penal Code, 1860 registered at Police Station Dirba, District Sangrur (Annexure P-1), and all other consequential proceedings arising there-from, on the basis of a compromise dated 02.12.2023 (Annexure P-2).

*Learned counsel for the petitioners would contend that the petitioners are the mother-in-law and sister-in-law of the complainant and that the husband of the complainant has since died. Learned counsel for the petitioners would further contend that the parties have resolved all their disputes and have entered into a compromise dated 02.12.2023 (Annexure P-2). Learned counsel for the petitioners has relied upon the judgment of Hon'ble Supreme Court rendered in "**Gian Singh Vs. State of Punjab & Anr.**" [2012 (10) SCC 303] and the Larger Bench's judgment of this Court in*

“Kulwinder Singh & Ors. Vs. State of Punjab & Anr.” [2007 (3) RCR (Criminal) 1052].

Notice of motion.

On the asking of the Court, Mr. Jashandeep Singh, AAG Punjab accepts notice on behalf of respondent No.1-State. Mr. Karan Diwan, Advocate accepts notice for respondent No.2-complainant and has filed his vakalatnama which is taken on record. Copy of the petition has already been supplied to both the counsel.

Learned counsel for respondent No.2 has also reiterated that the parties have since entered into the compromise voluntarily and willingly and that respondent No.2 would have no objection if the aforesaid FIR is quashed in view of the compromise entered into between the parties.

List on 15.04.2024.

*Meanwhile, the parties are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on **30.01.2024**, or on any other date convenient to the Court, for recording of their statements. The CJM/Illaq Magistrate/Trial Court shall also record statement of petitioner No.2 - Harjinder Kaur - through video conferencing as per the Video Conferencing Rules, 2021. The CJM/Illaq Magistrate/Trial Court is directed to record statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along-with the statements of the parties, on the following points be sent to this Court before the next date of hearing:*

- 1) Whether the compromise dated 02.12.2023 (Annexure P-2) has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.*
- 2) Whether all the accused are party to the compromise.*
- 3) Whether any other criminal cases are pending against the parties.*
- 4) Whether any proclamation proceedings are pending against either of the parties. ”*

3. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466**, **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834** and **Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No. 139 dated 30.06.2020 registered under Sections 406 and 498-A of Indian Penal Code at Police Station Dirba, District Sangrur Punjab and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

April 15, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No