

CRM-M-26244-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-26244-2023

Date of decision : 10.01.2025

Tarsem Lal and Ors.

..... Petitioners

V/S

State of Punjab and Ors.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Daksh Khatri, Advocate for
Mr. Kanwar Inder Singh, Advocate for petitioners.

Mr. Gautam Thapar, AAG, Punjab.

Ms. Jasleen Kaur, Advocate for respondents No.2 & 3.

AMARJOT BHATTI J. (ORAL)

1. Petitioners-Tarsem Lal, Nitin Hans, Shivali Hans, Bindu and Papinder Kumar @ Bhupinder Kumar have filed instant petition under Section 482 of Cr.P.C. for quashing of FIR No.96 dated 21.03.2023, under Sections 452, 323, 354, 506, 149 of IPC, registered at Police Station City, District Hoshiarpur (Annexure P-1) and subsequent proceedings arising therefrom on the basis of compromise dated 17.05.2023 (Annexure P-2).

2. As per the facts of the case, the complainant i.e. respondent No.2 in this case gave her statement to the police that on 10.01.2023 at about 1:00 PM, she was present in the house when her father-in-law Tarsem Lal, son Nitin Hans, his wife Shivali, sister-in-law (Nanad) Bindu and her husband Bhupinder Kumar came to the upper portion of house. Shivali and Bindu caught hold of her arms and started pulling her. Her father-in-law Tarsem Lal and son Nitin Hans started inciting to beat her. Her father-in-law Tarsem Lal caught hold of her from her chest. Her shirt was

torn. All of them gave her kick blows and punched on various parts of her body. On hearing alarm, her husband Jatinder Kumar and son Deepak Hans came to rescue her. Bhupinder Kumar stopped them. They also gave beating to her husband Jatinder Kumar and Nitin Hans. Thereafter, they left the spot giving filthy abuses. She was taken to Civil Hospital, Hoshiarpur for treatment where she and her husband were given medical treatment. With these allegations, present FIR has been registered.

3. Petitioners filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 22.05.2023, petitioners and respondents No.2 & 3 were directed to appear before the trial Court/Illaqa Magistrate for recording their statements on the basis of compromise. Detailed report regarding compromise has been received from the court of Chief Judicial Magistrate, Hoshiarpur dated 19.07.2023. Statements of respondents No.2 & 3 have been recorded, where they confirmed the compromise with petitioners. They confirmed that this compromise has been effected without any pressure, coercion or undue influence from any side and they have no objection regarding quashing of FIR.

4. Petitioners- Tarsem Lal, Nitin Hans, Shivali Hans, Bindu and Papinder Kumar @ Bhupinder Kumar also confirmed this fact in their joint statements. Statement of ASI Gagan Singh is also recorded who further confirmed that accused are not involved or declared as proclaimed offender in any other criminal case.

5. Therefore, from the report of Chief Judicial Magistrate, Hoshiarpur it is clear that compromise has been effected between the parties without any pressure, coercion or undue influence. They have mutually settled their family dispute. They

are living in the same house in different portions. They will be able to live in peace and harmony. It will end the litigation started between them.

6. Gainful reference can be made to the judgment of Larger Bench of Five Judges of this High Court cited in 2007(3) R.C.R. (Criminal) 1052 tilted as Kulwinder Singh and Ors. Vs. State of Punjab and Anr., where it was explained that ‘there can never be any hard and fast category which can be prescribed to enable the court to exercise its power under Section 482 of Cr.P.C. The only principle that can be laid down is the one which has been incorporated in the section itself i.e. to prevent abuse of the process of any court or to secure the ends of justice.’

7. Therefore, by relying upon the ratio of the aforesaid judgment, no purpose would be served with the continuation of criminal proceedings. Considering these facts, the petition filed by the petitioners is accepted and FIR No.96 dated 21.03.2023, under Sections 452, 323, 354, 506, 149 of IPC, registered at Police Station City, District Hoshiarpur (Annexure P-1) and consequential proceedings arising therefrom are quashed qua petitioners.

8. The present petition accordingly stands accepted.

(AMARJOT BHATTI)
JUDGE

10.01.2025.
Sunil Devi

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