



276

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

CRM-M-62839-2023

Date of Decision: **13.02.2025**

Gursharan Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sohrab Dhanda, Advocate and
Mr. Manoj Dhankhar, Advocate for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

Mr. D.S. Nehra, 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.29 dated 26.03.2018 under Sections 279, 337 and 427 of IPC, 1860, registered at Police Station Phase 11, District S.A.S. Nagar (Annexure P-1) along with all consequential proceedings arising therefrom, on the basis of compromise deed dated 24.11.2023, (Annexure P-2), arrived at between the parties.

2. The following order was passed on 15.12.2023 by the Coordinate Bench of this Court:-

“Prayer in this petition is for quashing of FIR No.29 dated 26.03.2018 under Sections 279, 337 and 427 of IPC, 1860, registered at Police Station Phase 11, District S.A.S. Nagar, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise deed dated 24.11.2023, Annexure P-2, arrived at between the parties.

Counsel for the petitioner submits that the earlier petition filed by the petitioner seeking quashing of the FIR on the basis of compromise was dismissed on account of default of appearance on behalf of one of the petitioners by order dated 17.10.2023, Annexure P-5. He submits that the FIR is an outcome of vehicular accident and a fresh compromise has been arrived at between the parties after the dismissal of the previous petition.

Notice of motion.

On asking of the Court, Mr. Ravinder Singh, AAG, Punjab, accepts notice on behalf of respondent No.1-State. State counsel submits that there is no settlement with the injured, who is the father-in-law of the complainant nor has he been made a party to the petition.

Countering his submission, counsel for the petitioner submits that the injured has unfortunately expired.

Mr. Digvijay Singh Nehra, Advocate accepts notice on behalf of the complainant/respondent No.2 and has filed Power of Attorney in Court, which is taken on record. He admits the factum of compromise.

Parties and Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 22.01.2024 or on any day thereafter for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing specifying the following:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. whether any other criminal case is pending against the accused.*

Report of Area Magistrate/Trial Court be awaited for 11.03.2024.

As the petitioner is stated to be residing in Australia, Trial Court/Area Magistrate shall get her statement recorded through the medium of video conferencing.”

3. Thereafter, report from the concerned trial Court received wherein it has been reported that statement of complainant Sharanjit Kaur has been recorded but the statement of injured in the said accident has not been recorded as he had expired on 12.05.2021 and this Court vide order dated 29.08.2024 again directed that statement of some natural heir of the deceased-Pritam Singh Rupal-injured be recorded.

4. In compliance of the above order, a report along with joint statement of Jagjit Singh and Nardeep Singh, both sons of late Pritam Singh Rupal, have been received from the concerned jurisdictional Court that the compromise is genuine and without any pressure or coercion from anyone. The said joint statement is reproduced as under:-

“Joint statement of Jagjit Singh aged 57 years and Nardeep Singh aged about 52 years both sons of late Pritam Singh Rupal, R/o House No. 638, Phase 10 Mohali. (LRs of deceased Pritam Singh)

Stated that we are thej LRs of deceased Pritam Singh Rupal who expired on 12.05.2021. The FIR No.29 dated 26.03.2018, registered Under section 279, 337, 338, 427 of IPC, registered at PS. 11, SAS Nagar, Mohali which was registered at the instance of complainant Sharanjit Kaur initially against Gursharan Kaur, wife of Amanjeet Singh, resident of H.No. 93, Mander Nagar, Tehsil Kharar, District SAS Nagar. In the said accident, our father namely Pritam Singh Rupal got injured on 03.02.2018, however, our father expired on 12.05.2021 as natural death. We have brought the copy of death certificate of Sh. Pritam Singh Rupal which is already placed on record as Ex.P1.

The compromised dated 24.11.2023 already effected

between complainant Sharanjit Kaur and accused Gursharan Kaur. The original compromise affidavit is already placed on record with the petition filed before the Hon'ble High Court in CRM-M-62839-2023.

Now, the compromise has been effected between complainant Sharanjit Kaur and accused Gursharan Kaur, so, we have no objection if the above said FIR and the consequential proceedings are quashed against the above named accused namely Gursharan Kaur only, in the interest of justice. Copies of our Aadhar Card are Mark-PA and Mark-PB.”

5. 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, 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.29 dated 26.03.2018 under Sections 279, 337 and 427 of IPC, 1860, registered at Police Station Phase 11, District S.A.S. Nagar (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

13.02.2025

Parveen kumar

(HARPREET SINGH BRAR)
JUDGE

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