
(2013) 04 P&H CK 0142

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-7182 of 2013 (O and M)

Balwinder Singh @ Billa and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 22-04-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 34, 363, 366, 376, 379

Citation : (2013) 171 PLR 244

Hon'ble Judges : Jitendra Chauhan, J

Bench : Single Bench

Advocate : Vipul Aggarwal, for the Appellant; Mehardeep Singh, D.A.G., Punjab, Assisted by ASI Narinder Singh for State and Mr. Kulwant Singh, for the Respondent

Final Decision : Allowed

Judgement

Jitendra Chauhan, J.—This petition u/s 482 of the Code of Criminal Procedure has been filed for quashing of FIR No. 82 dated 30.07.2012, registered under Sections 363, 366, 379, 34 of the Indian Penal Code (for short "the IPC"), and Section 376 IPC (added subsequently), at Police Station Chattiwind, District Amritsar Rural, and all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2) arrived at between the parties. Heard.

Vide order dated 04.03.2013, the parties were directed to appear before the learned trial Court, for getting their statements recorded. In compliance thereof, report of Additional Chief Judicial Magistrate, Amritsar, dated 15.04.2013, has been received to the effect that the parties have arrived at an out of Court settlement and the said settlement is genuine and without any pressure.

2. The complainant, duly identified by his learned counsel, is present in the Court. A copy of his voter identity card has been furnished in the Court, which is taken on record as Mark "A". The complainant states that the compromise has been reached between the parties. His daughter (the prosecutrix), after

solemnization of marriage with petitioner No. 1, is residing happily at her matrimonial home and he does not want to pursue the FIR lodged by him. Earlier the FIR was registered under Sections 363, 366, 379, 34 IPC. Subsequently, Section 376 IPC was added. The complainant makes a specific statement that it was recorded under bona fide mistake.

3. Smt. Kashmir Kaur-petitioner No. 4, the mother of petitioner No. 1, Balwinder Singh @ Billa (presently confined in Central Jail, Amritsar), is also present in the Court. She admits the factum of compromise and states that the prosecutrix, Kajal Kaur, is residing with her as daughter-in-law.

4. In view of the fact situation that the marriage already stands solemnized between the prosecutrix and petitioner No. 1, the daughter of the complainant is happily residing with her in-laws' family, it will be in the interest of both the parties if the present petition is allowed. Accordingly, the present petition is allowed; FIR No. 82 dated 30.07.2012, registered under Sections 363, 366, 379, 34 IPC, and Section 376 IPC (added subsequently), at Police Station Chattiwind, District Amritsar Rural, and all consequential proceedings arising therefrom; are hereby quashed qua the present petitioners. Petitioner No. 1, Balwinder Singh @ Billa, is stated to be confined in Central Jail, Amritsar. He be released forthwith, if not required in any other case.