
(2019) 05 P&H CK 0081

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 13429 Of 2019

Harpreet Kaur

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision : 13-05-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 451, 506

Citation : (2019) 05 P&H CK 0081

Hon'ble Judges : Mahabir Singh Sindhu, J

Bench : Single Bench

Advocate : J.S. Khiva, C.L. Pawar, Ithlesh K. Kaushik

Final Decision : Allowed

Judgement

Present petition has been filed by the petitioner under Section 482 of Code of Criminal Procedure, 1973 for quashing of FIR No.108 dated 17.09.2014, under Sections 451, 506 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station City-2, Mansa, District Mansa along with all other consequential proceedings, on the basis of compromise (Annexure P-2) arrived at between the parties.

As per FIR, the brief facts of the case are as under:-

"Statement of Gurpreet Kaur daughter of Late Narinderpal Singh caste Mazhabi Sikh Preet Nagar, Ward No.1, near Premi Di Kothi Mansa aged about 27 years mobile number 9780005217, stated that I am resident of aforesaid address and I have been doing my job being posted a constable in police line Barnala. That Manjit Singh SHO P.S. Phool performed forged marriage with me after telling lie due to this grudge Harpreet Kaur wife of Manjit Singh entered into my house where I, my mother Parkash Kaur and my sister Manpreet Kaur were present in the house then today about 8 o' clock Harpreet Kaur wife of Manjit Singh entered into my house and she started to issue threats to me and my family that she will

give you taste of filing applications against my husband and my family and she pushed to my mother and she gone to be on speaking terms. Required action may kindly be taken against her."

Heard learned counsel for the parties and perused the paper book.

On 25.03.2019, while issuing notice of motion the following order was passed by this Court:-

"Contentends that matter has been compromised between the parties.

Notice of motion.

On the asking of the Court, Mr. C.L.Pawar, Sr. DAG, Punjab accepts notice on behalf of respondent No.1/State.

Mr. Ithlesh K. Kaushik, Advocate, who is present in the Court, has filed power of attorney on behalf of respondent No.2. The same is taken on record. He acknowledged the factum of compromise arrived at between the parties.

Requisite number of copies of the petition be supplied to learned Counsel for the respondents during the course of the day.

Petitioner will file her affidavit that there is no other criminal case pending against her and also give the details of any other FIR(s), which have already been quashed on the basis of compromise.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 23.04.2019 to record their statements with reference to the compromise, if any, entered into between them.

Learned Illaqa Magistrate/trial Court will record the statements of all accused, complainant/injured and victim, if any and submit a report along with the statements to this Court before the next date of hearing containing the following information:-

(i). Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner?

(ii). Whether the compromise effected between the parties is genuine and valid?

(iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?

(iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof?

(v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender? (vi). whether any of the petitioner(s) is/are previous convict or not?

List before this Court on 13.05.2019 for further consideration.

Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection or not?

Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance."

In terms of above order, the statements of the parties were recorded by learned Chief Judicial Magistrate (Duty), Mansa and submitted a report dated 29.04.2019. The operative part of the same reads as under:-

"The compromise seems to be genuine with free consent and without any pressure, undue influence, coercion or fear and further, it is submitted that none of the parties has been declared proclaimed offender by this Court."

A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence and no one has been declared as proclaimed offender in this case.

Learned State counsel, on instructions from Assistant Sub Inspector Gurmail Singh has acknowledged the above fact and further stated that State has no objection in case the present FIR as well as all other consequential proceedings are quashed, on the basis of the compromise effected between the parties. Also submits that cancellation report dated 16.03.2019 has been submitted before the competent Court. Even before this Court also, there is no objection by either of the parties in case the present FIR is quashed.

Since the injuries are on the non vital part of the body, in view of above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public peace and tranquility; and thus, quashing of FIR in question along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice.

Consequently, the present petition is allowed and the aforesaid FIR along with all consequential proceedings resulting therefrom, are quashed, qua the petitioner.