
(2021) 02 P&H CK 0039

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 41077 Of 2020

Khushi Mohd And Ors

APPELLANT

Vs

State Of Punjab And Anr

RESPONDENT

Date of Decision : 04-02-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 34, 195A, 323, 506

Citation : (2021) 02 P&H CK 0039

Hon'ble Judges : Hari Pal Verma, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Hari Pal Verma, J

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.87 dated 27.09.2018 registered under Sections 323, 506, 34, 195-A

of IPC at Police Station City I Malerkotla, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of

compromise deed/affidavit dated 27.11.2020 (Annexures P-2 & P-3).

This Court vide order dated 22.12.2020 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and

the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Malerkotla and got their statements recorded. On

the basis of the statements so recorded, learned Magistrate has submitted report

dated 15.01.2021 to the effect that the compromise effected between the parties is result of free volition and without any inducement, threat or pressure.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Raveena @ Ravina but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 11.01.2021. The same is reproduced as under:-

â??Stated that the present FIR No.87 dated 27.09.2018, U/s. 195-A, 323, 506, 34, P.S. City-I Malerkotla was got registered by me against

accused Shahid, Saleem, Sharif and Khushi Mohammad. I have voluntarily compromised the matter with accused, with the intervention of

respectable persons, without any pressure or coercion and without any greed. There is no other accused except the accused mentioned

above and there is no other aggrieved party/ complainant except me in the present case. I am not involved in any other case. I have placed

on record copy of my Aadhar card as Mark-A. Therefore, I have no objection if the present FIR be quashed.â??

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in Kulwinder Singh and others Versus State of Punjab and another 2007

(3) RCR (Criminal) 1052 and approved by the Hon'ble Supreme Court in Gian Singh Versus State of Punjab and others (2012) 10 SCC 303, this

petition is allowed and F.I.R. No.87 dated 27.09.2018 registered under Sections 323, 506, 34, 195-A of IPC at Police Station City I Malerkotla, District

Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed/affidavit

dated 27.11.2020 (Annexures P-2 & P-3).

Since the present order is being passed in the absence of respective lawyers of the parties, in case either party finds that any prejudice has been

caused to them, they shall be at liberty to seek revival of the present petition.