

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

CRM-M-27891-2015

Date of Decision: December 01, 2015

AMARJIT SINGH

....PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Vikram Preet Arora, Advocate,
for the petitioner.

Mr. P.S. Paul, DAG, Punjab.

NARESH KUMAR SANGHI, J

Prayer in this petition, filed under Section 482 Cr.P.C., is for quashing of FIR No. 82, dated 01.04.2015, for the offence punishable under Section 295-A IPC, registered at Police Station, City Khanna, District Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 20.08.2015 the affected parties were directed to appear before learned Sub-Divisional Judicial

Magistrate, Khanna for getting their respective statements recorded with regard to compromise. The said Court was also directed to send copies of the statements and the detailed report to this Court.

In compliance of the above, Mohan Lal Verma—Informant/aggrieved person/respondent No.2 did appear before the Court below and suffered the following statement with regard to compromise:-

"That I have compromised the matter with the accused namely Amarjit Singh son of Jaspal Singh R/o Village Bahomajra PS Sadar Khanna with my free and voluntary consent and without any pressure or coercion from side of accused. The present FIR may please be quashed".

Similarly Amarjit Singh-Petitioner had also appeared before the Court below and suffered the following statement:-

"I have compromised the matter with the complainant namely Mohan Lal Verma with his free and voluntary consent without any pressure or coercion from my side. The present FIR may please be quashed".

The report of Sub-Divisional Judicial Magistrate, Khanna is as under:-

“In reference to the subject cited above and in reference to order dated 20.08.2015 of Hon'ble Mr. Justice Naresh Kumar Sanghi, Judge, Punjab and Haryana High Court, Chandigarh, it is humbly submitted that the statements of parties were recorded on 14.09.2015. The complainant Mohan Lal Verma has suffered a statement that he has compromised the matter with the accused Amarjit Singh with his free and voluntary consent without any pressure or coercion from the side of accused and he has prayed that FIR be quashed. Similarly accused Amarjit Singh has also suffered the statement that he has compromised the matter with the complainant without any pressure or coercion from his side. (Kindly find enclosed herewith the copy of statements of parties).

From the perusal of the statements of parties, it transpires that the matter has been voluntarily compromised between them. Hence the report is submitted”.

Learned counsel for the parties are unison that the offence alleged to have been committed by the petitioner was personal in nature. They are further of the opinion that the pendency of the FIR and consequential proceedings emanating therefrom would be sheer abuse of process of law, in view of the statements suffered by the informant/aggrieved person.

In view of the totality of the facts and circumstances of the case, statement suffered by the aggrieved person before the

Court below and the report received from learned Sub-Divisional Judicial Magistrate, Khanna, pendency of the impugned FIR and all the consequential proceedings arising therefrom, would be sheer abuse of the process of law and as such, the present petition is accepted. FIR No. 82, dated 01.04.2015, for the offence punishable under Section 295-A IPC, registered at Police Station, City Khanna, District Ludhiana and all the consequential proceedings arising therefrom, are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

December 01, 2015
ps-I