

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

CRM-M-29140 of 2015(O&M)

Date of decision: 21.09.2015

Munish Mahajan

----Petitioner(s)

V/s

State of Punjab and another

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Onkar Singh Batalvi, Advocate for the petitioner.

Mr. P.S. Madahar, AAG, Punjab.

Mr. Vinod Bhardwaj, Advocate for respondents No.2.

HARI PAL VERMA, J. (Oral)

Through this petition the petitioner has prayed for quashing of Criminal Complaint No.30 dated 10.6.2014 (Annexure P-7) filed by respondent No.2 before the Court of Duty Magistrate-cum-Illaq Magistrate, Mukerian seeking registration of FIR against the accused under Section 376 read with Section 511/354 IPC and all subsequent proceedings arising therefrom in view of the compromise dated 22.8.2015 (Annexure P-10) arrived at between the parties.

Learned counsel for the petitioner contends that though the complaint was filed for registration of the case for the offence under Section 376 read with Section 511/354 IPC, however, learned Sub-Divisional Judicial Magistrate, Mukerian, vide order dated

18.02.2015 has issued the process of summoning the petitioner/accused to face trial for an offence punishable under Section 354 & 452 IPC.

Learned counsel for the petitioner further submits that the present case is confined to alleged offence punishable under Section 354 and 452 IPC.

This Court vide order dated 31.08.2015 while issuing notice of motion has passed the following order:-

“Through this petition the petitioner has prayed for quashing of Criminal Complaint No.30 dated 10.6.2014 (Annexure P-7) filed by respondent No.2 before the Court of Duty Magistrate-cum-Illaq Magistrate, Mukerian and all subsequent proceedings arising therefrom vide compromise dated 22.8.2015 (Annexure P-10).

Learned counsel for the petitioner contends that in the present FIR, the petitioner has been summoned to face the trial for the offence under Sections 354 and 452 IPC and the compromise has been effected between the parties.

Notice of motion for 21.9.2015.

The parties are directed to appear before the Trial Court for recording their respective statements with regard to compromise/settlement on 7.9.2015.

The Trial Court is directed to submit a report on or before the next date of hearing containing the following information as well:-

- (i) number of persons arrayed as accused in FIR.
- (ii) whether any accused is proclaimed offender.
- (iii) whether the compromise is genuine, voluntary, and without any coercion or undue influence.

To be heard along with CRM-M-11980 of 2015 ”

Report from the learned Sub-Divisional Judicial Magistrate, Mukerian is still awaited. However, learned counsel for the petitioner submits that pursuant to the aforesaid order dated 31.08.2015, the parties appeared before the learned SDJM, Mukerian and have got

their statements recorded. He produced certified copies of the statements of the parties recorded by the learned SDJM. which are taken on record. A perusal of the same shows that the compromise entered between the parties is genuine, voluntary and the same has been effected without any coercion and undue influence.

Mr. Vinod Bhardwaj, Advocate, has put in appearance on behalf of respondent No.2/complainant and admit the factum of compromise entered between the parties. The statement of respondent No.2-complainant, namely, Karuna wife of Sunil Kumar, resident of Preet Nagar, Mukerian, District Hoshiarpur, made before the learned Sub-Divisional Judicial Magistrate, Mukerian on 07.09.2015, reads under:-

“ Stated that I have effected the compromise with the petitioner/accused party in the presence of the respectables of the locality. Now I have no grudge or grievance against the petitioner/accused. I have effected the compromise voluntarily, without any pressure, coercion and undue influence and same is genuine. I have no objection if the present complaint may be quashed.”.

RO & AC
Sd- Karuna

Sd/-
(Sumit Makkar)
SDJM/7.9.2015”

Learned counsel for the State has also not disputed the factum of compromise entered between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant complainant qua the petitioner.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State**

of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H) and approved by the Hon'ble Supreme Court in Gian Singh vs. State of Punjab and others, (2012)10 SCC 303, this petition is allowed and Criminal Complaint No.30 dated 10.6.2014 (Annexure P-7) filed by respondent No.2 before the Court of Duty Magistrate-cum-Illaq Magistrate, Mukerian and all subsequent proceedings arising therefrom, are hereby quashed.

September 21, 2015
Anjal

(HARI PAL VERMA)
JUDGE