

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-41328-2014.

Date of decision : 12.03.2015.

Gurvinder Singh alias Ginda and another

.....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Ramesh Sharma, Advocate for petitioners.
Mr.S.S. Chaudhary, D.A.G., Punjab.
Mr. B.S. Jaswal, Advocate for respondent No.2.

DARSHAN SINGH, J.

The present petition has been filed by the petitioners/accused Gurvinder Singh alias Ginda and one another, under Section 482 Code of Criminal Procedure for quashing FIR No.82 dated 03.04.2014 under Sections 354, 341, 506, 34 Indian Penal Code (hereinafter referred as 'IPC'), registered at Police Station Nakodar, Distt. Jalandhar and later on challan was presented by including sections 354-A, 382 and 511 IPC and all the subsequent proceedings arising out of the same, on the basis of written compromise dated 18.11.2014 (Annexure P-2) arrived at between the parties.

2- Vide order dated 22.01.2015, this Court has directed the parties to get their statements recorded before the trial Court. The trial

Court was also directed to send its report with regard to the validity or otherwise of the compromise after recording the statements of the concerned parties.

3- In compliance of the aforesaid order, report has been received from the learned Sub Divisional Judicial Magistrate, Nakodar, through the learned District & Sessions Judge, Jalandhar along with the original statements of the parties. The operative part of the report of the learned Sub Divisional Judicial Magistrate is reproduced as under:

“As per the statements of the complainant and the accused persons recorded by the undersigned, all of them have echoed the version having arrived at a voluntary compromise with free will without any pressure, coercion or undue influence. The complainant Sita Rani even made statement that she has no objection if FIR in question is quashed by the Hon'ble High Court. The original statements of the parties recorded by the undersigned are being sent herewith.

On the basis of statements made by the parties before me, the compromise on the face of it appears to be genuine one having been arrived at by the parties with free will without any pressure or coercion. There is nothing on the record to doubt the genuineness of the compromise so arrived at between the parties. It is submitted that no accused has been declared proclaimed offender in this present FIR. It is further submitted that no other criminal proceedings are pending against the parties.”

4- Learned counsel for the petitioners contented that the

parties have amicably resolved the dispute and the continuation of the proceedings will be an abuse of the process of the Court. The compromise entered into between the parties voluntarily and with their free will, should be given due weightage and the present proceedings should be quashed. To support his contentions, he relied upon the judgments rendered by the Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab & another 2012 (4) RCR (Criminal) 543*** and ***Shiji alias Pappu and others Vs. Radhika and another 2012 (1) RCR (Criminal) 9 (SC)*** and also by Full Bench of this Court in ***Kulwinder Singh and others Vs. State of Punjab and another 2007 (3) RCR (Criminal) 1052***.

5- The factum regarding compromise between the parties has also not been disputed at bar by the learned State counsel. Learned counsel for the respondent No.2 has also fairly conceded that in view of the compromise effected between the parties, the complainant/victim has no objection if the impugned FIR and the consequential proceedings are quashed.

6- The petitioners have been booked for the offences punishable under Sections 354, 341, 506, 34 IPC and later on challan was presented by including sections 354-A, 382 and 511 IPC, on the allegations that they wrongfully restrained the complainant/victim, a lady of 21 years of age in the way, while she was going to teach in the school; outraged her modesty; snatched her purse and also threatened to kill her and her family members.

7- From the statement of the complainant as well as of the

petitioners recorded by the learned S.D.J.M., Nakodar and his report, it comes out that both the parties have voluntarily and with their free consent without any inducement, threat or promise, sorted out their dispute and have effected compromise. The compromise has already been placed on record as Annexure P2.

8- Taking into consideration these facts, this Court is of the opinion that the ultimate chances of conviction of the petitioner are bleak. Therefore, the pendency of FIR and continuation of the proceedings would be a sheer abuse of the process of law.

9- Thus, in view of the factum of the compromise and the law laid down by the Hon'ble Apex Court and also the Full Bench of this Court in cases referred to above, this petition is hereby allowed. FIR No.82 dated 03.04.2014 under Sections 354, 341, 506, 34 IPC registered at Police Station Nakodar, Distt. Jalandhar and later on challan was presented by including sections 354-A, 382 and 511 IPC and all the consequent proceedings arising therefrom are hereby quashed.

12.03.2015*sunil yadav***(DARSHAN SINGH)
JUDGE**