

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-43580 of 2014

Date of Decision: 12.3.2015

Ajaib Singh

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Vikram Bali, Advocate
for the petitioner(s).

Mr. Surjeet Singh Chaudhary, Deputy Advocate
General, Punjab for respondent No.1.

Mr. Vikas K. Gupta, Advocate
for respondent No.2.

Darshan Singh, J.

1. The present petition has been filed by the petitioner/accused- Ajaib Singh under Section 482 Cr.P.C. for quashing of FIR No. 17 dated 21.1.2013, registered under Sections 354 & 506 of the Indian Penal Code (hereinafter referred to as "IPC") at Police Station Chamkaur Sahib, District Rupnagar and all the subsequent proceedings on the basis of the compromise dated 12.12.2014.

2. Vide order dated 19.12.2014, 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 Judicial Magistrate Ist Class, Rupnagar through the learned District & Sessions Judge, Rupnagar along with the copy of the statements of the parties and the order dated 30.1.2015 passed by the learned Judicial Magistrate. The operative part of the report of the learned Judicial Magistrate is reproduced as under:

"In this connection, statement of complainant Devinder Kaur wife of Jagdish Singh, R/o village Dhaularan, Police Station and Tehsil Chamkaur Sahib, District Rupnagar has been recorded whereby she stated that she has arrived at a compromise in the present case FIR with the accused Ajaib Singh out of her free will, consent without any undue pressure and coercion from any corner with the intervention of respectables of the society and she does not want to prosecute the accused any more and have no objection if the present FIR is quashed. She also produced the copy of compromise Ex.C-1. Similarly, the accused Ajaib Singh son of Bhupa Singh, resident of village Kamalpur, Police Station and Tehsil Chamkaur Sahib, District Rupnagar have also suffered separate statement that he has effected compromise with complainant Davinder Kaur with the intervention of respectables of the society.

The undersigned has carefully gone through the statements got recorded by the complainant and accused. Ex-Facie, it transpires from the statements of the parties (recorded before the undersigned) that they have arrived at

compromise with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter. In light of voluntary statement of the parties, this court is of the opinion that the compromise in question is a genuine and arrived at between the parties out of their free will and volition. Hence, this report.”

4. Learned counsel for the petitioner contended 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 v. State of Punjab & Another 2012(4) R.C.R. (Criminal) 543*** and ***Shiji alias Pappu & Others v. Radhika & Another 2012(1) R.C.R. (Criminal)9 (SC)*** and also by Full Bench of this Court in ***Kulwinder Singh & Others v. State of Punjab & Another 2007(3) R.C.R. (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 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 petitioner has been booked for the offences punishable under Sections 354 & 506 IPC on the allegations that he outraged the

modesty of the complainant/victim, a lady of 33 years of age who used to go to the Homeopathy Dispensary situated near Langar Hall of Gurdwara Katalgarh Sahib, Chamkaur Sahib, where the petitioner was working as a Compounder.

7. From the statement of the complainant as well as of the petitioner recorded by the learned Judicial Magistrate 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 photocopy of 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 the cases referred to above, this petition is hereby allowed. FIR No. 17 dated 21.1.2013, registered under Sections 354 & 506 IPC at Police Station Chamkaur Sahib, District Rupnagar and all the consequent proceedings arising therefrom are hereby quashed.

(Darshan Singh)
Judge

March 12, 2015
"DK"