

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

**CRM-M-1046-2016 (O&M)
Date of decision:01.06.2016**

Pushvinder Pal alias Pali

...Petitioner

Versus

State of Punjab & Anr.

...Respondents

CORAM: Hon'ble Mr. Justice M.M.S. BEDI

Present: Mr. Rajan Bansal, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

M.M.S. BEDI, J.(Oral)

This is a petition for quashing of FIR on the basis of compromise. The FIR was registered at the instance of Narotam Bansal alleging that the petitioner in connivance with two boys and two girls hatched a conspiracy and called the complainant telephonically at a particular place and fraudulently took him to the house of co-accused Kamal where co-accused Muskan was also present. After indulging him in immoral activities with Kamal, he was threatened to be implicated in a false case of rape and a sum of ₹ 50,000/- was taken from the complainant forcibly and further demand of ₹ 2,00,000/- was raised.

Counsel for the petitioner submits that the matter has been compromised with respondent No.2-complainant.

No reference has been made to the other accused.

Partial quashing on the basis of compromise is not permissible in
the peculiar facts and circumstances of this case.

Counsel for the petitioner relies upon the judgment of this Court in ***Gurtej Singh vs. State of Haryana & another, 2010(3) R.C.R. (Criminal) 660*** and ***Parambir Singh Gill vs. Malkiat Kaur, 2010(1) R.C.R. (Criminal) 256*** in which partial compounding had been permitted where the matter had been compromised.

With the assistance of the counsel for the petitioner, I have gone through the facts and circumstances of Parambir Singh Gill's case (supra) wherein the proceedings were launched against number of accused of having committed the offence under Sections 3 & 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. A police official of the rank of DSP was permitted to compound the offence in view of the nature of the allegations. So far as the circumstances of the present case are concerned, it will not be appropriate in the interest of justice to quash the proceedings qua the petitioner only. It will always be open to the complainant to depose actual truth before the trial Court on oath at opportune time.

Dismissed without prejudice to the petitioner to approach this Court again in case the matter is compounded with all the other accused and the complainant.

01.06.2016
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(M.M.S. BEDI)
JUDGE