

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

**Criminal Misc. No. M-21455 of 2015
Date of Decision:-15.09.2016**

Gurpreet Kaur @ Preet and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Jaswinder Singh Grewal, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

Ms. Manpreet Kaur Chauhan, Advocate for
Mr. Piyush Sharma, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.179 dated 21.8.2012, under Section 380 (Section 379 IPC added later on), registered at Police Station City-1, Abohar, District Fazilka (Annexure P-3) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-1) and affidavit (Annexure P-2).

Vide orders dated 29.1.2016, 10.5.2016 and 2.9.2016, this Court had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to forward a

report about the genuineness of the compromise to this Court.

In compliance of the orders passed by this Court, the parties have appeared before the learned Magistrate on 23.5.2016 and on 05.8.2016 for getting their statements recorded.

The report dated 1.6.2016 received from the learned Principal Magistrate, Juvenile Justice Board, Fazilka and report dated 5.8.2016 received from the learned Sub Divisional Judicial Magistrate, Abohar, reveal that the compromise has been effected between the parties without any undue pressure.

The statements made by complainant Chander Rajan before the Principal Magistrate, Juvenile Justice Board, Fazilka on 23.5.2016 qua petitioner No.3 reads as under :-

“Stated that I have effected a compromise with juvenile Jaspreet Kaur in the present case with the intervention of the respectables and our relatives. This compromise is for our betterment as well as for the society in general. I have effected a compromise with the juvenile with my own free will, voluntarily, without any pressure or coercion. Now, I do not want to proceed further with the present case. Our compromise is genuine and the same may kindly be accepted. The compromise deed is Mark-A. True photo copy of my Adhar Card is Mark-B, whereas, true photo copy of my driving license is Mark-C.”

In compliance of order dated 10.5.2016 passed by this Court, Complainant Chander Rajan also made the statement before the SDJM, Abohar, on 5.8.2016 qua petitioners No.1 and 2, which reads as under :-

“Stated that FIR No.179 dated 21.8.2012, under Section 380 IPC was registered against the petitioner/accused Amandeep Singh and Gurpreet Kaur and one more accused Jaspreet Kaur (whose trial is pending at juvenile Court) at P.S. City-I, Abohar on my statement. Now I have effected a compromise with accused party with my own free will and without any pressure. I do not want to proceed against these accused. I have no objection if accused are acquitted/discharged in the present case and if their quashing petition is accepted by Hon'ble Punjab & Haryana High Court.”

Learned counsel appearing for respondent No.2 does not dispute the fact of compromise effected between the parties.

Learned State counsel also does not dispute the aforesaid factual position, rather admits the factum of compromise effected between the parties.

Heard.

Since the parties have entered into a compromise and learned Magistrate has recorded their statements followed by his report, continuation of the trial arising out from the impugned FIR and consequential proceedings would be sheer abuse of the process of law since chances of conviction are bleak.

Keeping in view the factum of compromise effected between the parties and the law laid down by this Court in the case of **Kulwinder Singh and others vs. State of Punjab and another 2007(3) RCR (Crl.) 1052 (P & H)** and as approved by Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed

and FIR No.179 dated 21.8.2012, under Section 380 (Section 379 IPC added later on), registered at Police Station City-1, Abohar, District Fazilka and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

September 15, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No