

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M No. 34384 of 2016

Date of decision : December 02, 2016

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Sakkatar Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Ms. G.K Mann, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab

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RITU BAHRI, J.

The petitioner is seeking quashing of FIR No.20 dated 06.02.2012 under Sections 354/506 IPC registered at Police Station Ajnala, District Amritsar Rural (Annexure P-1) on the basis of compromise (Annexure P-4).

The FIR was registered on the statement made by Beant Kaur aged about 13 years that she has passed 6th Class and was doing domestic work. On 1.2.2012, she went to meet her relatives at Amritsar. At about 6:00 p.m, the complainant was coming from Amritsar to her village in a Mini Bus. Sakattar Singh and Buta Singh were also travelling in the same bus. At about 7:30 p.m, the complainant came down from the bus and

started going to her house. The accused started following her. They stopped the complainant in the street and started touching her private parts. When the complainant raised alarm, Palwinder Kaur i.e sister of the complainant and Gurpreet Singh brother of the complainant came there from their house. On seeing them Sakkatar Singh and Buta Singh ran away.

In this background, FIR was registered. After registration of the case, trial proceeded and vide judgment dated 4.5.2016, both the accused stood convicted under Section 354 IPC and were sentenced to rigorous imprisonment for a period of one year with a fine of Rs.500/-. After the conviction, the parties have entered into a compromise (Annexure P-4). Parties do not want to pursue the appeal and they have decided to finish the case in appeal. In compliance of the orders dated 26.9.2016, a status report has been received from the JMJC, Ajnala. The statements of the complainant and the accused have been recorded on 19.10.2016 to the effect that they have entered into a compromise without any coercion or undue influence and that they do not want to proceed with the present case.

The question for consideration is whether after conviction under Section 354 IPC, the complainant can enter into a compromise with the accused. The reference at this stage can be made to a judgment passed by Hon'ble the Supreme Court of India in the case of **Bharti vs. State of Haryana and another, 2014 (2) RCR (Criminal) 133**, wherein the parties were allowed to compound the offence though offences were non-compoundable and the appellant who was convicted under Sections 354 and 451 IPC was acquitted. It was held that the incident in question took place way back in the year 2000 and about 13 long years had gone by. In her affidavit, respondent no.2-complainant had stated that the appellant is her

neighbor and they have been staying peacefully since 2000 till date. As per the opinion of the Court since the appellant and complainant-respondent no.2 were neighbors, it would be in the interest of justice to permit the parties to compound the offences. Accordingly, offences under Sections 451 and 354 IPC were permitted to be compounded.

In *Surat Singh vs. State of Uttaranchal (Now Uttarakhand) and another, 2013 (1) RCR (Criminal) 1011*, accused were convicted under Section 354 Indian Penal Code and sentenced to one year RI. Conviction was upheld upto High Court. During appeal before Supreme Court, parties entered into compromise. Parties were allowed to compound the offence. Effect of compounding would be the acquittal of the accused with the offences he was charged with.

In the facts of the present case, the incident had taken place in the year 2012 and both the appellants have been convicted for a period of one year under Section 354 IPC and the parties have faced the trial for almost 4 years.

In view of all that has been discussed above and the report dated 29.10.2016 received regarding the genuineness of the compromise, present petition is allowed and the FIR No.20 dated 06.02.2012 under Sections 354/506 IPC registered at Police Station Ajnala, District Amritsar Rural (Annexure P-1) is quashed on the basis of compromise (Annexure P-4) qua the petitioners.

02.12.2016

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(RITU BAHRI)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No