

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

**CRM-M- 33949-2016**

**Date of Decision:27.03.2017**

**Ajaib Singh**

.....PETITIONER

Vs.

**State of Punjab and another**

.....RESPONDENTS

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

**Present:** Mr.A.K. Walia, Advocate for the petitioner.

Mr.Manpreet Dhaliwal, AAG, Punjab.

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**RITU BAHRI J. (ORAL)**

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.44 dated 25.05.2015, under Sections 354 and 457 IPC, registered at Police Station Cheema, District Sangrur and subsequent judgment of conviction and order of sentence dated 14.10.2015, passed by the learned Sub Divisional Judicial Magistrate, Sunam (Annexure P-2) and all the subsequent proceedings arising therefrom, on the basis of compromise dated 16.07.2016 (Annexure P-3).

The FIR was registered on the statement of complainant-Kamlesh Rani aged about 38 years with the allegation that on 24.05.2015, after taking dinner, she alongwith her son and daughter was sleeping in the courtyard of her house and at about 11.00 P.M. when her neighbourer Ajaib Singh son of Jangir Singh resident of Beer Kalan jumped the roof and entered her house and reached in the courtyard. While she was sleeping, said Ajaib Singh with lustful intention, physically assaulted upon her then she got up and raised hue and cry. Thereby, her children also got up. Upon their hue and cry, the said Ajaib Singh ran away from the spot. Thereafter, she discussed the matter with her relatives

and decided to report the matter to the police.

After presentation of the challan, charges were framed and learned trial Court after going through the evidence, has convicted the petitioner for imprisonment of three years for the offence punishable under Sections 457 and 354 IPC.

A perusal of the judgment of conviction and order of sentence dated 14.10.2015, passed by the learned Sub Divisional Judicial Magistrate, Sunam (Annexure P-2) reveals that the dispute arose between two neighbours which has been amicably settled by way of a compromise.

Learned counsel for the petitioners submits that the accused-petitioner has been convicted, vide judgment of conviction and order of sentence dated 14.10.2015, passed by the learned Sub Divisional Judicial Magistrate, Sunam (Annexure P-2). The appeal against the judgment of conviction is pending consideration before the learned appellate Court. Now, with the intervention of the respectables of society good sense has prevailed and both the parties have compromised the matter, vide compromise dated 16.07.2016 (Annexure P-3).

During the course of preliminary hearing, the trial Court, was directed to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise dated 16.07.2016 (Annexure P-3), by means of order dated 23.09.2016, by this Court.

In compliance of order dated 23.09.2016 of this Court, the report of Sub-Divisional Judicial Magistrate, dated 23.01.2017 has been received. As per the report, the statements of all the concerned parties have been recorded and the complainant has no objection, if the present FIR registered against the petitioner is quashed. Statements of the petitioner and complainant have been

recorded to the same effect.

Consequently, in view of the above-said report and in view of the judgments of the Hon'ble Supreme Court in **Dr. Arvind Barsaul etc. Vs. State of Madhya Pradesh and another, 2008(2) RCR (Criminal) 910**; the law laid down by the Full Bench of this Court in the case of **Kulwinder Singh and Ors. vs. State of Punjab and another, 2007(3) RCR (Crl.) 1052**; and in view of judgment of this Court in case of **Lal Chand Vs. State of Haryana, 2009(5) RCR (Crl.) 838**, no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No.44 dated 25.05.2015, under Sections 354 and 457 IPC, registered at Police Station Cheema, District Sangrur is hereby quashed and further the judgment of conviction and order of sentence dated 14.10.2015, passed by the learned Sub Divisional Judicial Magistrate, Sunam (Annexure P-2), is set aside and the petitioner/accused stands acquitted, in view of compromise dated 16.07.2016 (Annexure P-3).

(RITU BAHRI)  
JUDGE

27.03.2017  
Anjal

**Whether speaking/reasoned?      Yes/No**

**Whether reportable?              Yes/No**