

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

CRM-M-7000 of 2019.

Decided on:- October 22, 2019.

Ravinder Pal and another

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. Shakti Mehta, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Vipul Sachdeva, Advocate for
Mr. Arjunveer Sharma, Advocate
for respondents No.2 and 3.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.277 dated 29.11.2018 under Sections 365, 346 and 120-B IPC (Sections 376-B and 506 IPC added later on) registered at Police Station Civil Lines, Bathinda, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 30.01.2019 (Annexure P-2).

This Court vide order dated July 23, 2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioners as well as respondents No.2 and 3 have appeared before learned Judicial Magistrate 1st Class, Bathinda and got their statements recorded on 11.09.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 17.09.2019 to the effect that the compromise is genuine and has been effected voluntarily with the free will of the parties and without any coercion or undue influence.

Learned counsel for the petitioners states that the matter has been compromised between the parties and resultantly, petitioner No.1 and respondent No.2 are staying together as husband and wife. He further states that the marriage between them was solemnised on 29.04.2018, whereas the aforesaid FIR was registered on 29.11.2018.

Learned counsel for respondents No.2 and 3 does not dispute the aforesaid fact.

Learned State counsel, on instructions from HC Iqbal Singh, does not dispute the factum of compromise between the parties and states that investigation in the case is over.

The FIR in question has been recorded on the basis of statement of respondent No.3-complainant Dev Raj. He has already made a statement before learned Magistrate in support of the compromise. His statement so recorded by learned Magistrate on 11.09.2019 reads as under:

“Stated that on my statement, FIR No.277 dated 29.11.2018 u/s 376B/365/346/506/120B of IPC, PS Civil Line, Bathinda has been registered against accused namely Ravinder Pal s/o Netar Ram and Netar Ram s/o Gurdev Ram, both residents of Karamgarh, Autawali, District Mansa. With the

intervention of respectable, I have compromised the matter with the abovesaid 2 accused persons. The compromise is effected with my own free will and without any pressure or coercion or undue influence. Now, I have no grudge against the abovesaid 2 accused persons. I have no objection, if the abovesaid FIR against 2 accused persons may be quashed on the basis of compromise. I produce copy of Aadhar Card as a token of my identity.”

Similarly, respondent No.2-victim has also made a statement before learned Magistrate in support of compromise.

Considering the fact that the petitioner No.1 and respondent No.2 are staying together as husband and wife, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

Thus, following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303***, the present petition is allowed and the of FIR No.277 dated 29.11.2018 under Sections 365, 346 and 120-B IPC (Sections 376-B and 506 IPC added later on) registered at Police Station Civil Lines, Bathinda, District Bathinda (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 30.01.2019 (Annexure P-2), however, subject to payment of total costs of Rs.5,000/- to be paid by the petitioners to the Poor Patients' Welfare Fund of

the Postgraduate Institute of Medical Education and Research (PGIMER),
Chandigarh within a period of one month from today.

October 22, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No