

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-7491-2019 (O&M)

Date of Decision:28.05.2019

Bachitter Singh @ Goldy and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

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

Present: Mr. Arvinder Arora, Advocate,
for the petitioners.

Mr. Manish Bansal, D.A.G., Haryana,
for respondent No.1.

HARI PAL VERMA, J.(Oral)

CRM-17451-2019

Prayer in this application filed under Section 482 Cr.P.C. is for placing on record amended Memo of Parties.

Application is allowed, as prayed for. Amended Memo of Parties is taken on record.

CRM-M-7491-2019

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.251 dated 20.10.2018 under Sections 354-A, 354-B, 452, 506, 120-B IPC, registered at Police Station Sadar Ambala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise-deed dated 01.02.2019 (Annexure P-3).

Learned State Counsel, on instructions from ASI Pawan

Kumar, submits that earlier the offence punishable under Section 376 IPC was added, but now that section has been deleted and the FIR survives only for the offences punishable under Sections 354-A, 354-B, 452, 506, 120-B IPC.

This Court vide order dated 20.02.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Ambala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 04.04.2019 to the effect that the compromise effected between the parties is genuine, voluntarily and without any undue influence or coercion.

Respondent No.2-complainant, namely, Kulbir Kaur and respondent No.3-victim, have made a joint statement with regard to compromise before learned Magistrate on 29.03.2019 to the effect that they have compromised the matter with the accused without any pressure and they have no objection if the FIR in question registered against the accused is quashed.

Learned State counsel has not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

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*, this petition is allowed and FIR No.251 dated 20.10.2018 under Sections 354-A, 354-B, 452, 506, 120-B IPC, registered at Police Station Sadar Ambala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise-deed dated 01.02.2019 (Annexure P-3), subject to payment of costs of ₹15,000/- to be paid by the petitioners, within a period of one month from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. They shall produce a receipt with the Registry.

May 28, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No