

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

CRM-M-11990 of 2019.

Decided on:- May 21, 2019.

Arshdeep Singh @ Arshpreet Singh and another

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. Gagandeep Singh Sirphikhi, Advocate
for the petitioners.

Mr. Jagmohan Ghumman, D.A.G., Punjab.

Mr. Vishal Sodhi, Advocate
for respondents No.2 to 4.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.118 dated 20.11.2017 under Sections 354-A, 506 and 341 read with Section 34 IPC registered at Police Station Ghuman, Police District Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 02.03.2019 (Annexure P-2).

The aforesaid FIR was registered at the behest of respondent No.3 Manpreet Singh, who is father of the victim. As per the FIR, respondent No.2-victim was studying in 9th class in Central Public Senior Secondary

School, Ghuman and used to commute in the school bus. The petitioners were teasing her for the last many days. On 20.11.2017 at about 02.50 P.M., when the school bus was going from Ghuman to Udhanwali, then one motorcycle bearing registration No.PB-06AL-5769 Hero on which two boys were coming behind the bus, were doing mischief. While reaching near village Bhagatpur, they stopped the bus by stopping their motorcycle in front of the bus. They entered the bus and pulled the daughter of complainant from her arm and dragged her out. However, respondent No.4 Sukhpreet Singh @ Sukha, who was driving the bus, came forward and objected to the action of the accused-petitioners. Though the driver of bus rescued the girl, but the petitioners gave beatings to the driver also. The accused threatened that they will throw acid on the girl and will teach a lesson and will also break the legs of the driver.

This Court vide order dated 14.03.2019 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 respondent No.3-complainant, who is father of respondent No.2-victim, and respondent No.4, who is driver of the bus, have appeared before learned Judicial Magistrate 1st Class, Batala and got their statements recorded on 11.04.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 08.05.2019 to the effect that the parties have made an amicable settlement and have recorded their statements

in the court without any fear, pressure, threat or coercion and out of their free will.

The FIR in question has been recorded on the basis of statement of respondent No.3-complainant Manpreet Singh, who happens to be father of respondent No.2-victim. Since respondent No.2-victim is minor, her statement has been recorded through her father respondent No.3. The statement of respondent No.3-complainant recorded before learned Magistrate on 11.04.2019 reads as under:

“Stated that the present case bearing FIR No.118 dated 20.11.2017 under Section 354-A, 506, 341, 34 of IPC, P.S. Ghuman, was registered on the statement of my father Manpreet Singh son of Salwinder Singh at Police Station Ghuman, Batala. The matter has been compromised with the accused party with the intervention of respectables. We are living peacefully and we have no grudge against each other and I do not want to proceed against the accused Arshdeep Singh @ Arshpreet Singh son of Satnam Singh and against Ravinder Singh @ Ajay son of Nirmal Singh, both residents of Village Bhagtupur, PS Ghuman, Tehsil Batala, District Gurdaspur. The total two accused named above are arrayed in this FIR. None of the accused have been declared proclaimed offender. I have suffered this statement without any coercion, pressure or undue influence and with our own free will. I have no objection if the present FIR be quashed. Copy of Aadhar Card is Ex.P1.”

Similar statement has been made by respondent No.4 Sukhpreet Singh @ Sukha, who was driving the bus at the time of incident.

Learned State counsel, on instructions from ASI Iqbal Singh, states that in the aforesaid FIR, the police has already prepared the Challan

and the same has been presented to the Court on 13.04.2018. However, he has not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law. But at the same time, this Court cannot ignore the fact that respondent No.4 has shown exemplary courage in getting the victim released at the hands of the petitioners. Therefore, this Court finds that respondent No.4 needs to be complemented for his brave act.

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 FIR No.118 dated 20.11.2017 under Sections 354-A, 506 and 341 read with Section 34 IPC registered at Police Station Ghuman, Police District Batala, District Gurdaspur (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 02.03.2019 (Annexure P-2), however, subject to payment of Rs.50,000/- by both the petitioners (Rs.25,000/- each) to respondent No.4 Sukhpreet Singh @ Sukha for his positive contribution as he succeeded in minimising the offence committed by the petitioners, who were otherwise determined to commit.

The petitioners shall pay the aforesaid amount to respondent No.4 and shall produce the receipt thereof before the trial Court within two

months from today, failing which the present petition shall be deemed to have been dismissed.

May 21, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No