

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

265

CRM-M-12231-2019

Date of Decision:25.09.2019

Sarwan Singh Pandher

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Ms. Jasneet Mehra, Advocate for
Mr. L.M. Gulati, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.104 dated 09.07.2018 under Sections 354, 354-A, 354-B IPC, registered at Police Station Majitha, District Amritsar Rural (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise/affidavit dated 11.07.2018(Annexure P-2).

This Court vide order dated 08.04.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise. However, statement of the parties could not be recorded as they failed to appear before the learned Magistrate to get their statements recorded. Again vide order dated 28.05.2019, one more

opportunity was granted to the parties to get their statements recorded, in

terms of the order dated 08.04.2019 passed by this Court and learned Magistrate was directed to forward the report to this Court.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 10.09.2019 to the effect that the compromise between the parties has been arrived at voluntarily, the same is genuine and bonafide and not a result of pressure or coercion.

Though no one is present on behalf of respondent No.2-complainant Gurpreet Kaur in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 25.07.2019. The same is reproduced as under:-

“Stated FIR No.104 dated 09.07.2018 u/s 354, 354A & B IPC at Police Station, Majitha has been registered on my statement. I have compromised the matter with the accused Sarwan Singh Pander s/o Beant Singh r/o village Pander Kalan Johal, P.O. Kotla Gujran, P.S. Majitha, District Amritsar as mentioned in the FIR No.104/2018 u/s 354, 354A & B IPC at police station Majitha out of my free will and consent and without any pressure, threat, coercion or undue influence. My compromise with accused is genuine and voluntary one. There is no other accused named in the present case except Sarwan Singh. Photo copy of my Aadhar Card is attached as mark A.”

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.104 dated 09.07.2018 under Sections 354, 354-A, 354-B IPC, registered at Police Station Majitha, District Amritsar Rural (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise/affidavit dated 11.07.2018(Annexure P-2).

September 25, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No