

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

CRM-M-12629 of 2019.

Decided on:- September 26, 2019.

Sandeep Kumar Jasuja and another

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Jagjit Gill, Advocate
for the petitioners.

Mr. Sukhbeer Singh, A.A.G., Punjab.

Mr. Davinder Singh Khurana, Advocate
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.111 dated 12.09.2015 under Sections 323 and 313 read with Section 34 IPC registered at Police Station City Fazilka, District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 30.11.2018 (Annexure P-2).

This Court vide order dated 19.03.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the concerned Court was further directed to forward its report as regards the genuineness of the compromise. Since the parties could not appear before the trial Court/Illaqa

Magistrate on 04.04.2019, vide order dated 27.05.2019 passed by this Court, they were granted one more opportunity to get their statements recorded before the trial Court/Illaq Magistrate in terms of order dated 19.03.2019 passed by this Court.

Pursuant to the aforesaid order dated 27.05.2019, the petitioner as well as respondent No.2-complainant have appeared before learned Additional Sessions Judge, Fazilka and got their statements recorded on 30.07.2019. On the basis of the statements so recorded by the parties, learned Additional Sessions Judge has submitted the report dated 27.08.2019 to the effect that the compromise seems to be voluntary, genuine one and without any coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Neetu Kukar. She has already made a statement before learned Additional Sessions Judge, Fazilka in support of the compromise. Her statement so recorded by learned Additional Sessions Judge on 30.07.2019 reads as under:

“Stated that once FIR No.111 dated 12.9.2015 under Sections 323/313/34 of IPC at P.S. City Fazilka was registered against petitioners Sandeep Kumar son of Vailayti Ram, resident of Gandhi Nagar, Fazilka now at resident of SMS Hospital, Jaipur, and Kailash Rani wife of Vailati Ram, resident of Gandhi Nagar, Fazilka on my statement. Now with the intervention of the respectables, a compromise has been effected between me and petitioners. The said compromise is genuine and without any pressure or coercion in any manner. We have no further grudge remained against each other. Photocopy of compromise Ex.CX. As per compromise both the parties will abide by the terms and

conditions of compromise, in case other party does not abide the terms and conditions of compromise, then I have right to restore my present FIR. No other criminal case is pending between us. I have no objection if the present FIR is quashed against accused persons.”

Learned counsel for the petitioners states that as per the compromise deed dated 30.11.2018, the minor daughter born from the wedlock would live with respondent No.2-wife and both the parties have decided to live separately for a period of four years and not to solemnise marriage within this period.

Learned State counsel and learned counsel for respondent No.2 have 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.

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.111 dated 12.09.2015 under Sections 323 and 313 read with Section 34 IPC registered at Police Station City Fazilka, District Fazilka (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise deed dated 30.11.2018 (Annexure P-2).

At this stage, learned counsel for both the parties i.e. the petitioner-husband and respondent No.2-wife, who are doctors by profession, have submitted that both the parties are well placed and the matter has been compromised so far as quashing of the FIR is concerned, still both the parties undertake to plant minimum 25 trees in their respective areas/places of posting with further undertaking that they shall maintain these trees for a period of four years. They shall take all possible care as regard the maintenance of these trees.

Accordingly, the petitioner-husband and the respondent No.2-wife are directed to plant minimum 25 trees at their respective places of residence/posting under intimation to the concerned Deputy Commissioners, who shall extend all possible help to the petitioner-husband and respondent No.2-wife, enabling them to plant and maintain such trees.

The parties shall adhere to the terms of the compromise (Annexure P-2) so entered between them in letter and spirits.

Copy of this order be sent to the concerned Deputy Commissioners.

September 26, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No