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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29133-2018 (O&M)

Date of decision:11.07.2019

NEERAJ CHAUHAN

... Petitioner

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab, for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

CRM-19865-2019

Prayer in this application filed under Section 482 Cr.P.C. is to
add Section 354-A of IPC in the present petition.

No one is present on behalf of the applicant-petitioner.

As per the application, initially the petition was filed seeking
quashing of FIR for the offences under Sections 354-D and 506 of IPC, but
thereafter, the offence under Section 354-A of IPC was also added.

State counsel has shown no objection for the said prayer.

Accordingly, the application is allowed and the FIR is ordered
to be read including Section 354-A of IPC besides Sections 354-D and 506
of IPC.

CRM-M-29133-2018

Prayer in this petition filed under Section 482 Cr.P.C. is for

354-D, 506 of IPC at Police Station Zirakpur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 08.11.2017 (Annexure P-2).

This Court vide order dated 22.01.2019 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.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Dera Bassi and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 12.02.2019 to the effect that the compromise has been effected between the parties without any pressure or coercion etc. from any side.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Simarpreet Kaur but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 07.02.2019. The same is reproduced as under:-

“Stated that FIR No.288 dated 07.08.2017, U/s 354-A, 354-D and 506 of IPC, P.S. Zirakpur was lodged by me against accused Neeraj Chauhan S/o Pardeep Chauhan, R/o House No.111, Rajput Mohalla, Tangal Road, Near BSNL Tower, Mullana, Ambala. Now, with the intervention of the respectables, I have voluntarily entered into compromise with the above said accused out of my free will and without any pressure or undue influence, coercion, inducement, threat or promise from any side. The original compromise affidavit is placed before the Hon'ble Punjab & Haryana High Court. As

per compromise, I have no objection if the above said FIR, U/s 354-D and 506 of IPC only is quashed by the Hon'ble Punjab and Haryana High Court against the accused namely Neeraj Chauhan S/o Pardeep Chauhan. The self attested photocopy of the Passport is Mark-A.”

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

Though, perusal of the statement made by respondent No.2-complainant, reproduced hereinabove, reveals that complainant has agreed to compromise the FIR only qua offences under Sections 354-D and 506 IPC and Section 354-A IPC has not been mentioned by her. But considering the fact that the sentence for offences under Sections 354-D and 354-A IPC is same i.e. rigorous imprisonment for a term which may extend to three years, or with fine, or with both (imprisonment of either description for a term which may extend to five years, and shall also be liable to fine in the case of second or subsequent conviction for offence under Section 354-D IPC), it is but presumed that complainant has also agreed to quash the FIR on the basis of compromise qua the offence under Section 354-A IPC as well.

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 F.I.R. No.288 dated 07.08.2017 registered under Sections 354-D, 506 of IPC (Section 354-A of IPC added

lateron) at Police Station Zirakpur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 08.11.2017 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients’ Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)

JUDGE

11.07.2019

sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No