

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

CRM-M-15652 of 2019.

Decided on:- November 15, 2019.

Pankaj Singh.

.....Petitioner.

Versus

State of U.T., Chandigarh and another

.....Respondents.

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

Present:- Mr. Abhinay Goel, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. P.P., U.T., Chandigarh.

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.81 dated 20.03.2019 under Sections 354 and 354-A IPC registered at Police Station Industrial Area, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 25.03.2019 (Annexure P-2).

This Court vide order dated 04.04.2019 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 respondent No.2-complainant had appeared before learned Chief Judicial Magistrate, Chandigarh and got her statement recorded on 25.04.2019. Since the petitioner was in judicial custody in some other case, he could not appear before learned Magistrate on that date and as such, his statement was recorded later on i.e. 09.07.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 10.07.2019 to the effect that the compromise effected between the parties appears to be genuine and without any fear or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Bhanu Priya. Though none has put in appearance on her behalf, but it would not cause any prejudice to her as she has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 25.04.2019 reads as under:

“I have entered into compromise with the accused-petitioner Pankaj Singh son of Sh. Kunwar Bahadur Singh, in case FIR No.81 dated 20.3.2019 u/s 354, 354A IPC, PS Industrial Area, Chandigarh in order to settle the dispute amicably, vide compromise dated 25.3.2019. In view of the compromise, present FIR may be quashed. Compromise has been effected with my own free will and consent and voluntarily, without any coercion or undue pressure from any side.”

Learned Addl. P.P. for U.T., Chandigarh does not dispute 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 petitioner 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.81 dated 20.03.2019 under Sections 354 and 354-A IPC registered at Police Station Industrial Area, Chandigarh (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise deed dated 25.03.2019 (Annexure P-2), however, subject to payment of costs of Rs.5,000/- to the Government Medical College and Hospital, Sector-32, Chandigarh, which shall be paid by the petitioner within a period of one month from today. This amount shall be utilized for the welfare of poor and needy patients under the supervision of concerned Medical Superintendent.

November 15, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No