

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

267

CRM-M-39703-2017

Date of Decision:29.08.2019

Gurmeet Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: None for the petitioner.

Mr. Sukhbeer Singh, AAG, 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.211 dated 09.09.2017 under Section 354 IPC, registered at Police Station Patran, District Patiala (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise-deed dated 13.09.2017 (Annexure P-2).

This Court vide order dated 08.08.2018 had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded and the learned trial court 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 04.10.2018, one more

opportunity was granted to the parties to get their statement recorded, in terms of the order dated 08.08.2018 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, Samana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 15.11.2018 to the effect that it apparently appears that the parties have voluntarily entered into the compromise between themselves and have settled the matter amicably.

Though no one is present on behalf of respondent No.2-complainant-Sharanjit Kaur in Court today, but no prejudice would be caused to her as she has already made a statement on their behalf with regard to compromise before the learned Magistrate on 01.11.2018. The same is reproduced as under:-

“That the present case i.e. FIR 211 dated 09.09.2017 U/S 354 IPC Police Station (P.S.) Patran has been registered on my statement against accused Gurmeet Singh son of Bara Singh, resident of Dera Gobindpura Shutrana, Tehsil Patran, District Patiala. There is no other persons except the above noted accused involved in the present FIR. Now compromise has been effected between us with the intervention of the respectables of our village. No person out of the accused has been declared Proclaimed Offender by the court nor the proceeding regarding P.O. is pending in any court. Therefore, I do not want to pursue with this case against him. The said compromise has been effected with the accused with my own sweet will, consent and without any coercion, fear and pressure from any side. As such, the present FIR may be quashed against said accused person and they be discharged/acquitted.”

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.

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*, as 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.211 dated 09.09.2017 under Section 354 IPC, registered at Police Station Patran, District Patiala and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of the compromise-deed dated 13.09.2017 (Annexure P-2).

August 29, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No