

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

270

CRM-M-20583-2019

Date of Decision:29.10.2019

Shammu @ Shaua

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. P.S. Dhaliwal, Advocate,
for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

Mr. Rajender Kumar, 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.73 dated 10.03.2019 under Sections 363, 366-A IPC, registered at Police Station Barnala, District Barnala (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 24.04.2019 (Annexure P-2).

This Court vide order dated July 16, 2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Chief Judicial Magistrate, Barnala and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 19.10.2019 to the effect that the compromise effected between the parties is genuine, without any pressure and coercion or undue influence.

Respondent No.2-complainant, namely, Reshma Begum, has made a statement with regard to compromise before learned Magistrate on 19.08.2019. The same is reproduced as under:-

“Stated that I am complainant in this case and the present FIR No.73 dated 10.03.2019, under Section 363, 366-A IPC, PS City Barnala was registered on my statement against the accused Shammu @ Shaua. Now I have compromised the matter with the accused Shammu @ Shaua without any pressure, coercion with the intervention of respectables. I have no objection if FIR No.73 dated 10.03.2019, under Section 363, 366-A IPC, PS City Barnala be quashed. Copy of compromise is Ex.CX.”

Learned counsel for the petitioner states that the prosecutrix has not made any statement against the petitioner that she was physically assaulted by him in any manner.

Learned State Counsel, on instructions from HC Makhan Shah, does not dispute the very fact that the prosecutrix was physically assaulted by the petitioner in any manner. She further states that the prosecutrix was called for medical examination but she refused for medical examination. However, she has not disputed the factum of compromise between the parties.

Learned counsel for respondent No.2 has also 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

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.73 dated 10.03.2019 under Sections 363, 366-A IPC, registered at Police Station Barnala, District Barnala (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 24.04.2019 (Annexure P-2).

October 29, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No