

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

284

CRM-M-4483-2018

Date of Decision:13.09.2019

Mohd. Nahid

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Jai Bhagwan, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Sanjeev Kumar, Advocate,
for respondent Nos.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.134 dated 02.12.2017 under Sections 363, 366-A IPC, registered at Police Station City-II, Malerkotla, District Sangrur (Annexure P-3) and all the consequential proceedings arising therefrom on the basis of the compromise-deed(Annexure P-4).

Learned counsel for the petitioner states that petitioner No.1-Mohd. Nahid and respondent No.3-Meharunisha @ Faria are staying together as husband and wife.

This Court vide order dated 16.05.2019 had directed the parties to appear before the trial Court/Illaq Magistrate 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 Civil Judge (Jr. Divn.)-cum-Judicial Magistrate 1st Class, Malerkotla and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 18.07.2019 to the effect that the compromise effected between the parties is voluntarily and without any pressure.

Respondent No.2-complainant, namely, Niaj Mohammad, has made a statement with regard to compromise before learned Magistrate on 18.07.2019. The same is reproduced as under:-

“The FIR No.134 dated 02.12.2017, under Sections 363, 366-A IPC was registered on the basis of statement of complainant at police station City II Malerkotla against accused Mohd. Nahid s/o Mohd. Arshad, r/o Mohalla Bhumsi, Tehsil Malerkotla. The matter in dispute qua FIR referred above has been compromised between me and accused above said Mohd. Nahid with the intervention of respectables, relatives. Accused Mohd. Nahid married with my daughter Meharulnisha and both Mohd. Nahid and Meharulnisha are living as husband and wife peacefully. The compromise is genuine, voluntary and without any coercion and undue influence. The photocopy of compromise is Mark X. In view of the compromise, I have no objection if the present FIR is quashed and the quashing petition filed by the accused before Hon'ble High Court is accepted.”

Apart from above, a similar statement has also been made by respondent No.3-Meharulnisha @ Faria, whereby she has shown no objection to the present FIR being quashed.

Learned State counsel as well as learned counsel for respondent

Nos.2 and 3 have 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.134 dated 02.12.2017 under Sections 363, 366-A IPC, registered at Police Station City-II, Malerkotla, District Sangrur (Annexure P-3) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of the compromise-deed(Annexure P-4).

September 13, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No