

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

CRM-M-24387 of 2019.

Decided on:- October 22, 2019.

Jashanpreet Singh.

.....Petitioner.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. Shaurya Punj, Advocate for
Mr. Tarun Vir Singh Lehal, Advocate
for the petitioner.

Mr. Sukhbeer Singh, A.A.G., Punjab.

Mr. Himmat Singh, Advocate
for respondents No.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.154 dated 02.09.2018 under Section 354-D IPC and Section 67 of the Information Technology Act, 2000 registered at Police Station City Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 08.03.2019 (Annexure P-2).

This Court vide order dated May 27, 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 petitioner as well as respondent No.2-complainant and respondent No.3-victim have appeared before learned Sub Divisional Judicial Magistrate, Batala and got their statements recorded on 22.07.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 05.08.2019 to the effect that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Sahil Sharma. He has already made a statement in support of compromise before learned Magistrate on 22.07.2019, which reads as under:

“Stated that I am the complainant in the FIR and I along with aggrieved person have compromised the matter with the accused namely Jashanpreet Singh. The accused has filed petition under Section 482 Cr.P.C for quashing the FIR bearing No.154 dated 02.09.2018 under section 354-D(2) IPC and Section 67 Information Technology Act, 2000, PS City Batala vide CRM-M-24387 of 2019 pending in the Hon’ble Punjab & Haryana High Court, Chandigarh, which is attached with petition filed before Hon’ble High Court. I have given my statement with my free will and without any coercion and any pressure. Copy of my Adhaar card is Ex.C3. Further, compromise effected between us and accused is not having any adverse effect on the rights of any third party. I have no objection if the above said FIR bearing No.154 dated 02.09.2018 under section 354-D(2) IPC and Section 67 Information Technology Act, 2000, PS City Batala is quashed.”

Similar statement had also been made by respondent No.3-victim in support of the compromise before learned Magistrate on 22.07.2019.

Pursuant to the previous order dated September 20, 2019 passed by this Court, the petitioner is present in Court.

Learned State counsel and learned counsel for respondents No.2 and 3 have not disputed 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.154 dated 02.09.2018 under Section 354-D IPC and Section 67 of the Information Technology Act, 2000 registered at Police Station City Batala, District Gurdaspur (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 08.03.2019 (Annexure P-2).

October 22, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No