

269.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54531-2018

Date of decision: 23.01.2019

YASHPAL KHANNA

... Petitioner

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Bhupinder Kaur, Advocate,
for the petitioner.

Mr.Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

Ms.Urvashi Singh, 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 F.I.R. No.0044 dated 05.07.2018 registered under Section 354-B IPC at Police Station Tibba, District Police Commissionerate Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 28.08.2018 (Annexure P-2).

This Court vide order dated 10.12.2018 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 Judicial Magistrate Ist Class, Ludhiana and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 05.01.2019 to the effect that the compromise has been effected between the parties without any coercion, inducement or threat.

Respondent No.2-complainant, namely, Durga has made her statement with regard to compromise before learned Magistrate on 21.12.2018. The same is reproduced as under:-

“Stated that I have registered the FIR no.44 dated 05.07.2018 U/s 354-B IPC at P.S. Tibba, Ludhiana against the accused namely Yashpal Khanna aged about 62 years S/o Sh. Tarlok Chand Khanna R/o H.No.14557, St. no.2, Ward no.8, Moti Bagh Colony, Ludhiana. Now, the matter has been compromised and the compromise is genuine and without any inducement, coercion or pressure. The compromise has been done voluntarily without any threat regarding the compromise one written compromise deed executed between me and accused. The original copy has already been attached with the Judicial file of Hon'ble High Court quashing petition. The copy of my ID proof i.e. Aadhar card is Ex.C1 (Original seen and returned). I have no objection if the present FIR is quashed against the accused namely Yashpal Khanna.”

Learned State counsel as well as learned counsel for respondent No.2 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.

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

SCC 303, this petition is allowed and F.I.R. No.0044 dated 05.07.2018 registered under Section 354-B IPC at Police Station Tibba, District Police Commissionerate Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 28.08.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

23.01.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No