

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

CRM-M-28937 of 2019.

Decided on:- October 22, 2019.

Jasveer Singh.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Surjit Singh Swaich, Advocate
for the petitioner.

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

Ms. Deepa Negi, 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.96 dated 26.08.2017 under Sections 354-B, 354-D, 326-B, 506 and 34 IPC (Sections 354-B, 326-B and 34 IPC deleted later on) registered at Police Station Khamanon, District Fatehgarh Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 02.05.2019 (Annexure P-2).

This Court vide order dated July 10, 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 and respondent No.2-complainant have appeared before learned Sub Divisional Judicial Magistrate, Khamanon and got their statements recorded on 23.07.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 14.08.2019 to the effect that the genuine and true compromise has been entered into between the parties and which is voluntary without any pressure or undue influence and out of their own free will.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Rupinder Kaur. She has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 23.07.2019 reads as under:

“Stated that the matter involved in FIR No.96 dated 26.08.2017 under Section 354-B, 326-B, 506, 34 IPC registered at Police Station Khamanon, later on police submitted the challan in the above said FIR in the Court under Section 354-D, 506 IPC P.S. Khamanon only against accused Jasveer Singh, has been amicably compromised between me and the accused Jasveer Singh son of Dhian Singh resident of village Bhari, P.S. Khamanon, District Fatehgarh Sahib. The compromise is without any fear, influence, coercion and the same is out of my free will and wish and without any pressure. I have seen the second copy of the compromise dated 02.05.2019 which is annexure P2 and it bears our signatures and I identify my signatures on the same and the same is correct (original compromise is attached with the file which is pending in the Hon’ble High Court). I have no objection if the quashing proceedings filed by the petitioner Jasveer Singh be allowed and aforesaid FIR and its subsequent proceedings are quashed.”

Learned State counsel and learned counsel for respondent No.2-complainant 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.96 dated 26.08.2017 under Sections 354-B, 354-D, 326-B, 506 and 34 IPC (Sections 354-B, 326-B and 34 IPC deleted later on) registered at Police Station Khamanon, District Fatehgarh Sahib (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 02.05.2019 (Annexure P-2), however, subject to payment of costs of Rs.10,000/- to the Government Medical College and Hospital, Sector-32, Chandigarh, which shall be paid by the petitioner within a period of one month from today. This amount shall be utilized for the welfare of poor and needy patients under the supervision of concerned Medical Superintendent.

October 22, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned:

Yes

Whether Reportable:

No