

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

CRM-M-29711 of 2019.

Decided on:- October 22, 2019.

Gurdeep Singh @ Manga.

.....Petitioner.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. Janak Singh Bhinder, Advocate
for the petitioner.

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

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.70 dated 01.05.2019 under Sections 363 and 366-A IPC registered at Police Station Dhanaula, District Barnala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise by way of affidavit dated 03.06.2019 (Annexure P-2).

This Court vide order dated 16.07.2019 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, Nasib Singh father of the petitioner and respondent No.3-complainant have appeared before learned Sessions Judge, Barnala and got their statements recorded on 13.08.2019. On the basis of the statements so recorded by the parties, learned Sessions Judge

has submitted report dated 21.08.2019 to the effect that the compromise dated 03.06.2019 has been effected by complainant Gurdhian Singh with accused Gurdeep Singh through his parents and same is voluntary, without any pressure and coercion.

Learned counsel for the petitioner states that respondent No.2 is minor and she is staying with her father i.e. respondent No.3-complainant.

The FIR in question has been recorded on the basis of statement of respondent No.3-complainant Gurdhian Singh. Though no one has put in appearance on his behalf, but it would not cause any prejudice to him as he has already made a statement before learned Sessions Judge in support of the compromise. His statement so recorded by learned Sessions Judge on 13.08.2019 reads as under:

“Stated that the present FIR was registered against the accused on my statement with the police. Compromise has been effected between me, my family and the father of accused namely Nasib Singh on 03.06.2019. The original compromise is attached with the CRM-M-29711-2019, copy of which I have seen today in the court, which is mark-A on which I identify my signature. The said compromise has been effected with my free will and consent. Copy of my affidavit is mark-B. Today I have come present in the court with my wife Sarabjeet Kaur. I have also brought photocopy of my Aadhar card which is mark-C. ”

Learned State counsel has 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.70 dated 01.05.2019 under Sections 363 and 366-A IPC registered at Police Station Dhanaula, District Barnala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise by way of affidavit dated 03.06.2019 (Annexure P-2).

October 22, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No