

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

CRM-M-29827 of 2019.

Decided on:- October 22, 2019.

Jagroop Singh.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Maninder Singh Bajwa, Advocate
for the petitioner.

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

Mr. Kanwaljeet Singh, Advocate
for respondent No.2-complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.86 dated 26.06.2016 under Section 354-B IPC registered at Police Station Bhikhiwind, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 05.07.2019 (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, the petitioner and respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Patti and got their statements recorded on 19.08.2019. On the basis of the

statements so recorded by the parties, learned Magistrate has submitted report dated 27.08.2019 to the effect that the compromise made by the parties seems to be 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 Kulwinder Kaur. She has already made a statement in support of compromise before learned Magistrate on 19.08.2019, relevant part of which reads as under:

“That with the intervention of respectable, matter was compromised and we are living peacefully. We effected compromise with our free consent and without any coercion or pressure of any person. Above said accused filed quashing petition in Hon’ble Punjab and Haryana High Court for quashing in FIR No.86 dated 26.06.2016 under sections 354-B of IPC, P.S. Bhikhiwind, Tehsil Patti, District Tarn Taran, on the basis of compromise.

I have no objection if the FIR No.86 dated 26.06.2016 under section 354-B of IPC, P.S. Bhikhiwind, Tehsil Patti, District Tarn Taran, was registered against the above said accused is quashed/cancelled by the Hon’ble Punjab and Haryana High Court on the basis of compromise. I have given my statement today with my free consent and without any coercion. Accused/petitioner is present in the court today. Self attested copies of my Aadhar Card is Mark-A which is correct as per original.”

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.86 dated 26.06.2016 under Section 354-B IPC registered at Police Station Bhikhiwind, District Tarn Taran (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 05.07.2019 (Annexure P-2).

October 22, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No