

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

CRM-M-30777 of 2019.

Decided on:- October 24, 2019.

Subhan Nandan.

.....Petitioner.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. Imran Farooqi, 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.34 dated 09.04.2019 under Sections 363 and 366-A IPC registered at Police Station City-2, Malerkotla, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 12.07.2019 (Annexure P-3) and affidavit (Annexure P-4).

This Court vide order dated 22.07.2019 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 respondents No.2 and 3 have appeared before learned Judicial Magistrate 1st Class, Malerkotla 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 22.08.2019 to the effect that the compromise is genuine, voluntarily and without any coercion or undue influence between complainant and accused.

Learned counsel for the petitioner states that the matter has been compromised between the parties and the petitioner and respondent No.3 are staying together as husband and wife.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant. 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 Magistrate in support of the compromise. His statement so recorded by learned Magistrate on 19.08.2019 reads as under:

“The FIR No.34 dated 09.04.2019 under Sections 363, 366A IPC was registered on the basis of my statement at Police Station City II Malerkotla against accused/petitioner Subhan Nabdan s/o Mohd. Akhtar, r/o Mohalla Jamalpura, Malerkotla, now residing at Nawab colony near Mana Fatak, Malerkotla. The matter in dispute qua FIR referred above has been compromised between me and accused Subhan Nabdan with the intervention of respectables, relatives. Accused Subhan Nabdan have performed marriage with my daughter Nazia Parveen and both Subhan Nabdan and Nazia Parveen are living as husband and wife peacefully. The compromise is genuine, voluntary and without any coercion and undue influence. The photocopy of compromise is Mark X (original on Hon’ble High Court File). In view of the compromise, I have no objection if the present FIR is quashed and the quashing petition filed by the accused before Hon’ble High Court is accepted.”

Learned State counsel has not disputed the factum of compromise effected between the parties.

Considering the fact that the petitioner and respondent No.3 are staying together as husband and wife, 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.34 dated 09.04.2019 under Sections 363 and 366-A IPC registered at Police Station City-2, Malerkotla, District Sangrur (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 12.07.2019 (Annexure P-3) and affidavit (Annexure P-4).

October 24, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No