

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

CRM-M-32192 of 2019.

Decided on:- November 15, 2019.

Jaswinder Singh.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. Saurav Khurana, D.A.G., Punjab.

Mr. Gulshan Kumar Moudgil, 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.61 dated 26.04.2019 under Sections 354-B and 452 IPC registered at Police Station Sadar Kapurthala, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise by way of affidavit dated 30.05.2019 (Annexure P-2).

This Court vide order dated July 30, 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 parties had appeared before learned Additional Chief Judicial Magistrate, Kapurthala and got their statements recorded on 28.08.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 20.09.2019

to the effect that the parties have entered into compromise and solved their differences, without any coercion, pressure, threat or undue influence. The parties have entered into compromise voluntarily and the compromise is genuine.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Amandeep Kaur. She has made a statement before learned Magistrate in support of the compromise on 28.08.2019, which reads as under:

“Stated that a FIR bearing No.61 dated 26.04.2019, under sections 354-B, 452 IPC, PS Sadar Kapurthala was lodged against accused Jaswinder Singh aged about 36 years, s/o Lal Singh, r/o village Bhanolanga, P.S. Sadar, Tehsil & District Kapurthala. Now, I have entered into compromise with the aforementioned accused with the intervention of respectable persons of the village. I have entered into compromise with my free will, without any pressure or influence from any corner. The photocopy of said compromise is Ex.C1. I want to lead peaceful social life. Now, the abovesaid accused has applied for the quashing of above-said FIR before the Hon’ble Punjab and Haryana High Court. The compromise between us is voluntary without any pressure or coercion. There is only one person arrayed namely Jaswinder Singh as accused in the present FIR who is appearing. No accused is proclaimed offender. I have no objection if the present FIR is quashed against abvoesaid accused.”

Learned counsel for respondent No.2-complainant has submitted that as the matter has been compromised between the parties, the complainant has no objection in case the present FIR is quashed qua the petitioner. Power

of attorney filed on behalf of respondent No.2-complainant in Court, is taken on record.

Learned State counsel, on instructions from HC Mangat Ram, has also 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.61 dated 26.04.2019 under Sections 354-B and 452 IPC registered at Police Station Sadar Kapurthala, District Kapurthala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise by way of affidavit dated 30.05.2019 (Annexure P-2), however, subject to payment of costs of Rs.10,000/- to the Government Multi Speciality Hospital, Sector-16, 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.

November 15, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No