

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

CRM-M-34257 of 2019.

Decided on:- December 04, 2019.

Harmander Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Tarun Sharma, Advocate
for the petitioners.

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

Mr. Varinder Basa, Advocate for
Mr. B.S. Randhawa, 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.21 dated 19.01.2018 under Sections 363 and 366-A IPC registered at Police Station City Ferozepur, District Ferozepur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise by way of affidavit dated 01.08.2019 (Annexure P-4).

This Court vide order dated 22.08.2019 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 petitioners and respondent No.2-complainant have appeared before Chief Judicial Magistrate, Ferozepur and got their statements recorded in support of the compromise on

30.09.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 29.11.2019 to the effect that the compromise and the terms of settlement are genuine and the compromise has been effected and entered into with free will, without coercion and pressure.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Balkar Singh. He has already made a statement in support of compromise before learned Chief Judicial Magistrate, Ferozepur on 30.09.2019, which reads as under:

“Stated that the above said FIR was got registered at my instance against the accused Harminder Singh, Balwinder Kaur, Kusumpreet Kaur and Parminder Singh. The matter has been compromised in the present case with the intervention of the respectables of locality without any inducement, pressure, threat or coercion and the compromise deed which has been submitted in the Hon’ble High Court, is genuine and voluntary. Further, I have no objection, if as per the compromise, the proceeding in the above said FIR are quashed against the accused. The compromise has been arrived at out of free will and is without any threat or coercion of any kind. I have not got registered any other case against the above-said accused. Parminder Singh has already been acquitted by the Principal Magistrate Juvenile Justice Board, Ferozepur.”

Learned counsel for the petitioners states that co-accused Parminder Singh has been acquitted by the trial Court. The co-accused Parminder Singh is the son of petitioners No1. and 2 and brother of petitioner No.3. Parminder Singh and the prosecutrix are staying together as husband and wife.

Learned counsel for respondent No.2 has not disputed the aforesaid fact.

Learned State counsel, on instructions from ASI Joginder Singh, does not dispute the factum of compromise between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners 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.21 dated 19.01.2018 under Sections 363 and 366-A IPC registered at Police Station City Ferozepur, District Ferozepur (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise by way of affidavit dated 01.08.2019 (Annexure P-4), however, subject to payment of total costs of Rs.5,000/- to the Bar Association of this Court, which shall be paid by the petitioners within a period of one month from today.

December 04, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No