

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-55795-2018

Date of Decision:17.07.2019

Rafi

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Saqib Ali Khan, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Rahul Sharma, Advocate,
for respondent Nos.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.35 dated 03.05.2018 under Sections 363, 366 IPC, registered at Police Station Sandaur, District Sangrur, Punjab (Annexure P-2) and all subsequent proceedings arising therefrom on the basis of compromise-deed dated 17.11.2018 (Annexure P-3).

Learned counsel for the petitioner states that so far as offence under Section 366-A IPC and Sections 7 & 8 of the Protection of Children from Sexual Offences Act, 2012, are concerned, the same have been deleted during investigation and now the present petition is only confined under Sections 363, 366 IPC.

This Court vide order dated 30.04.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned District & Sessions Judge, Sangrur and got their statements recorded. On the basis of the statements so recorded, learned Sessions Judge has submitted report dated 29.05.2019 to the effect that the parties have made statements voluntarily, without any coercion or undue influence and the compromise seems to be genuine.

Respondent No.2-complainant, namely, Gulzar Khan, has made a statement with regard to compromise before learned Sessions Judge on 15.05.2019. The same is reproduced as under:-

“I lodged the present FIR against accused Mohammad Rafi about kidnapping of my daughter Muskan. We have arrived at a compromise with accused Mohammad Rafi on 17.11.2018, but my daughter has not solemnized marriage with him. Earlier, the accused had forged and fabricated Nikah-nama after obtaining signatures of my daughter on blank paper. However, on the basis of compromise, now the accused may be acquitted. We have no objection if FIR is quashed. I have made this statement voluntarily without any undue influence or pressure. I have brought the original Adhaar Card with me to prove my identity. Copy of my Adhaar Card is Exhibit CX/1.”

Statement of the prosecutrix was also recorded. In her statement, she has not disputed the compromise-deed dated 17.11.2018 (Annexure P-3) so entered between the parties. But she has stated that she has not solemnized marriage with the petitioner and the petitioner had

paper. In the end, she has stated that she has no objection if the FIR is quashed.

Considering the statement made by the prosecutrix, whereby she has not denied the very factum of compromise between the parties, the present FIR deserves to be quashed.

Learned State counsel as well as learned counsel for respondent Nos.2 and 3 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

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*, this petition is allowed and FIR No.35 dated 03.05.2018 under Sections 363, 366 IPC, registered at Police Station Sandaur, District Sangrur, Punjab(Annexure P-2) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise-deed dated 17.11.2018 (Annexure P-3), subject to payment of costs of ₹10,000/- to be paid by the petitioner, within a period of one month from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. He shall produce a receipt with the Registry.

July 17, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No