

380.

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

CRM-M-55208-2018

Date of decision:20.02.2019

MOHINDER SINGH

... Petitioner

versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab,
for respondent No.1.

None for respondents No.2 & 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.81 dated 15.06.2018 registered under Section 354 of IPC at Police Station Majitha, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 04.12.2018 (Annexure P-2).

This Court vide order dated 17.12.2018 had directed the parties to appear before the 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 Judicial Magistrate Ist Class, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

genuine and has been effected between the parties without any pressure or coercion and out of their free will.

Though today none has put in appearance on behalf of respondent No.3-victim, namely, Lovepreet Kaur, but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 18.01.2019. The same is reproduced as under:-

“Stated that FIR no.81 dated 15.06.2018 under Section 354 of IPC, Police Station Majitha was got registered by my father against Mahinder Singh S/o Daleep Singh, R/o Village Nangal Pannua, Amritsar. I am the victim in the above said FIR. I produce copy of my Aadhaar card which is Ex.C2. (Original seen and returned). I have entered into compromise with the aforesaid accused person. The compromise is genuine, voluntary, and without any coercion or undue influence. I have no objection if the accused is acquitted in the quashing petition.”

Apart from above, a similar statement has been made by the complainant-respondent No.2, namely, Surjit Singh whereby he has shown no objection in case the FIR in question is quashed.

Learned State counsel has 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 F.I.R. No.81 dated 15.06.2018 registered under Section 354 of IPC at Police Station Majitha, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 04.12.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.5,000/- to be deposited with the Legal Services Authority, Punjab.

(HARI PAL VERMA)
JUDGE

20.02.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No