

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

CRM-M-2453 of 2020 (O&M)

Date of Decision: 16.11.2020

SURINDER KUMAR

.....Petitioner

V/s.

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL.

Present: Mr. Gourav Goel, Advocate,
for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General, Punjab.

Mr. Puneet Singla, Advocate,
for respondent No. 2.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to COVID-19 Pandemic.

The instant petition has been filed for quashing of FIR No.222 dated 06.12.2019, registered under Sections 354, 354-A, 506 of the Indian Penal Code, 1860 at Police Station Fatehgarh Sahib, District Fatehgarh Sahib (Annexure P-1) on the basis of compromise (Annexure P-2) arrived at between the parties alongwith all subsequent proceedings arising therefrom.

Vide order dated 20.01.2020, this Court had directed the parties to get their statement recorded before the trial Court. Report of the trial Court has been received which has been taken on record.

The petition has been opposed by the learned State counsel on the ground that the FIRs containing allegations which are an affront to the dignity and decency of women cannot be permitted to be quashed on the

basis of a compromise.

I have considered the submissions made by the counsel for the parties.

As per the allegations in the FIR, the complainant was working as a Salesgirl in the shop owned by the accused-petitioner. On 06.12.2019, when she was alone in the shop, the accused-petitioner caught her and outraged her modesty. Though she somehow managed to release herself, the accused threatened to kill her in case she narrated the incident to anybody else. She made a video of the CCTV footage in the shop and disclosed the entire incident to her father. The accused-petitioner apologized to her father and tried to pressurize them to enter into a compromise.

When the allegations in the FIR are looked at in their totality, it becomes apparent that the compromise which has been entered into with the accused-petitioner cannot be said to have been done so by her of her own free will. Such type of a compromise seems dubious and cannot form the basis for seeking quashing of FIR involving such serious and grave offences.

The observation made by the Hon'ble Supreme Court in **Deputy Inspector General of Police and Another Vs. S. Samuthiram;** 2013 (1) RCR Criminal (329) deserves to be noticed.

“More and more girl students, women etc. go to educational institutions, work places etc. and their protection is of extreme importance to a civilized and cultured society.”

In view of the above background, the petition deserves to be dismissed.

At this stage, learned counsel for the petitioner prays for withdrawal of the petition. The request for withdrawal of the petition is declined. The petition is ordered to be dismissed.

November 16, 2020

Ess Kay

[SUVIR SEHGAL]

JUDGE

Whether speaking / reasoned

:

Yes / No

Whether Reportable

:

Yes / No