

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7450-2020 (O&M)

Date of Decision: 01.12.2020

Mandeep Singh

....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kanwar Pahul Singh, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. D.A.G., Punjab,
for the respondent.

Ms. Navneet Kaur Dhanjal, Advocate,
for respondent No.2.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure, for quashing of FIR No.53 dated 18.05.2018, under Section 354-D IPC (Annexure P-2), registered at Police Station Chatiwind, District Amritsar Rural and all the subsequent proceedings arising therein on the basis of compromise (Annexure P-3).

As per the FIR, the allegations were that on the statement of respondent No.2, namely, Baljinder Kaur D/o Kashmir Singh, who stated that she is doing GNM course at Shaheed Madan Lal Dhingra Memorial School, Amritsar, and when she was going to school in auto from her home daily, the petitioner, namely, Mandeep Singh S/o Lakhbir Singh, who is from the same village always tried to stop her way whenever he came to home in his holidays, he would forcibly ask her to talk to him and after taking her mobile phone

number, he started harassing her.

The learned counsel for the petitioner has submitted that after the registration of the FIR, the matter is still under investigation, but in the meantime, the petitioner as well as respondent No.2 have married each other and vide Annexure P-3, respondent No.2 has also furnished an affidavit by deposing that the respectable of the village have got effected a compromise between them and that she is satisfied as per the compromise and she does not want to proceed with the case. He has further submitted that the FIR was based upon misconception and now the marriage has been solemnized between the petitioner and respondent No.2 and they are happily living with each other and therefore, no useful purpose would be served in case, the criminal proceedings are continued.

Notice of motion was issued in this case on 20.02.2020 and the parties were directed to appear before the learned trial Court/Illaq Magistrate on 18.03.2020 for recording of their statements. No reply has been filed by either of the respondents.

In pursuance of the aforesaid order, a report has been received from the learned Civil Judge (Junior Division)-cum-Judicial Magistrate Ist Class, Amritsar, dated 22.06.2020, wherein it is stated that both the petitioner and respondent No.2 have got their statement recorded and as per the statement, a compromise has been effected between them. It is further stated in the report that the learned Magistrate has posed various questions to know whether any compromise has been effected between the parties or not and that she is satisfied that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence and the sole purpose of the parties for effecting compromise between them is their desire to

live in peace and harmony. It is further stated in the report that as per the statement of the complainant, accused has never been declared as proclaimed offender and no PO proceedings are pending against any of the parties.

The learned State counsel, on instructions from ASI Salwinder Singh, has submitted that the matter is under investigation and no reply is to be filed in the present case as the matter has been compromised between the parties and they have already married with each other, as per their statement recorded before the learned Magistrate, Amritsar.

Ms. Navneet Kaur Dhanjal, Advocate, who has caused appearance on behalf of respondent No.2, has submitted that it is correct that the petitioner and respondent No.2 have now married with each other and the matter has been amicably settled and no useful purpose would be served in case the criminal proceedings are carried out further.

I have heard the learned counsel for the parties.

The only allegation, which has been contained in the present FIR was that respondent No.2, who was the complainant that when she used to come from the school, the petitioner used to harass her and also on telephone. Thereafter, admittedly, the petitioner and respondent No.2 have married with each other and according to the learned counsel for the petitioner as well as respondent No.2 both of them are living amicably and happily married life.

The law with regard to the quashing of the FIR based upon compromise is well settled. The Court would normally not interfere in quashing of the FIR on the basis of compromise unless in rare circumstances when it can be found that no useful purpose is to be served in continuation with the proceedings and when the offence is not that of serious or heinous crime, then in that situation, the Court can always interfere with the matter and quash

the FIR and the consequential proceedings the interest of justice. In the present case, the matter does not fall under the category of serious or heinous offence and further, once the petitioner and respondent No.2 have already married with each other then it would be rather in the interest of justice to quash the FIR and all the subsequent proceedings.

Therefore, keeping in view the law laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Vs. State of Punjab, 2007 (3) RCR (Criminal) 1052** and the law laid down by Hon'ble Supreme Court in **Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543**, the present petition is allowed and the FIR No.53 dated 18.05.2018, under Section 354-D IPC (Annexure P-2), registered at Police Station Chatiwind, District Amritsar Rural and all the subsequent proceedings arising therefrom on the basis of compromise are quashed, qua the petitioner.

(JASGURPREET SINGH PURI)
JUDGE

01.12.2020

adhikari

Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No