

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

CRM-M-17580 of 2018 (O&M)

Decided on:- January 24, 2020.

Anjali and another

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- None for the petitioners.

Ms. Ruchika Sabharwal, A.A.G., Punjab.

None 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.86 dated 12.07.2017 under Sections 363 and 366-A IPC registered at Police Station Chabbewal, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise.

This Court vide order dated September 12, 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 parties had appeared before learned Judicial Magistrate 1st Class, Hoshiarpur and got their statements recorded on 31.10.2019. On the basis of the statements so recorded by the

parties, learned Magistrate has submitted the report dated 27.11.2019 to the effect that the compromise between the parties appears to be genuine, voluntarily, without any undue influence and coercion.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Asha, who is mother of petitioner No.1 Anjali. Though no one has put in appearance on behalf of respondent No.2, but it would not cause any prejudice to her as she has already made a statement before learned Magistrate in support of compromise on 31.10.2019. Though the copy of statement of respondent No.2-complainant is not completely legible, but in the report dated 27.11.2019, learned Magistrate has specifically mentioned about the statement of respondent No2-complainant in support of compromise. The relevant paragraph of the said report dated 27.11.2019 reads as under:

“Complainant Asha stated that on her statement, FIR No.86 dated 12.7.2017, U/S 363, 366-A IPC was registered at P.S. Chabbewal, District Hoshiarpur against Bahadur Singh and Anjali. Anjali is her daughter and she is married to Bahadur Singh and now they are living happy matrimonial life. After the intervention of respectables of the society, she has entered into a compromise with the accused party and they have ironed their differences against each other for their welfare. She has no objection to quash the above mentioned FIR. The compromise is genuine, voluntarily and without any coercion and undue influence.”

Learned State counsel, on instructions from SI Om Parkash, does not dispute the factum of compromise effected 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 particularly when the petitioners have solemnised marriage and respondent No.2-complainant, who is mother of petitioner No.1, has suffered a statement before learned Magistrate in support of compromise.

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.86 dated 12.07.2017 under Sections 363 and 366-A IPC registered at Police Station Chabbewal, District Hoshiarpur (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise.

January 24, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No