

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

CRM-M-18103 of 2018.

Decided on:- March 13, 2020.

Jashanpreet alias Sherry and another

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. Sandeep Kumar Bokolia, Advocate
for the petitioners.

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

None for respondents No.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.29 dated 27.04.2017 under Sections 363 and 366-A IPC registered at Police Station Badhni Kalan, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 21.04.2018 (Annexure P-2).

This Court vide order dated 21.08.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise on 12.09.2019 and the Court was directed to send its report qua genuineness of the compromise. Since the parties did not appear before learned Magistrate on 12.09.2019, vide order

dated November 07, 2019 passed by this Court, one more opportunity was granted to the parties to appear before the Illaqa Magistrate/trial Court on 13.12.2019 or any other date convenient to the Court.

Pursuant to the aforesaid order, the petitioners No.2 and 3 as well as respondents No.2 and 3 had appeared before learned Judicial Magistrate 1st Class, Moga and got their statements recorded on 12.09.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 01.11.2019 to the effect that the compromise effected between the complainant and accused party seems to be genuine, voluntary and without any coercion or undue influence.

Report dated 01.11.2019 submitted by learned Magistrate further reveals that petitioner No.1 Jashanpreet Singh alias Sherry has died on 11.06.2019.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Malkit Singh. Though no one has put in appearance on his behalf, but it would not cause any prejudice to him as he has already made a statement before learned Magistrate in support of the compromise on 12.09.2019, which reads as under:

“It is stated that I am the complainant in the present case arising out of FIR No.29 dated 27.04.2017 u/s 363/366A IPC, P.S. Badni Kalan, District Moga. The matter in dispute has been compromised amicably with the intervention of the respectable of society. I have made compromise with the said accused by my free will and without any threat, pressure or coercion. The compromise will help in restoring good relation and harmony

between the parties. I have no objection if petition u/s 482 Cr.P.C filed by accused in the Hon'ble Punjab and Haryana High Court is allowed and FIR be quashed."

Similarly, respondent No.2, who is the victim and daughter of the respondent No.2-complainant has made a statement before learned Magistrate on 12.09.2019 in support of compromise.

Learned counsel for the petitioners has submitted that petitioner No.1 Jashanpreet Singh alias Sherry has died on 11.06.2019, whereas petitioner No.2 Vicky Singh @ Vikranjit Singh @ Vikram Partap Singh, who was minor when the alleged incident had taken place, is facing trial before the Juvenile Court and during the pendency of the case, the matter has been compromised between the parties.

Learned State counsel does not dispute the factum of compromise between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioner No.2 Vicky Singh @ Vikranjit Singh @ Vikram Partap Singh shall be an abuse of the process of law.

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 of FIR No.29 dated 27.04.2017 under Sections 363 and 366-A IPC registered at Police Station Badhni Kalan, District Moga (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner No.2 on the basis

of compromise dated 21.04.2018 (Annexure P-2), however, subject to payment of costs of Rs.5,000/- to be paid by petitioner No.2 with the Bar Association of this Court within a period of one month from today.

March 13, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No