

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

CRM-M-22919 of 2018.

Decided on:- February 28, 2020.

Rajvir Singh @ Nikka.

.....Petitioner.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. Sumit Kalyan, Advocate for
Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

Ms. Manjeet Kaur Shergill, Advocate for
Mr. Ajay Garg, Advocate
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.215 dated 28.10.2017 under Sections 341, 294, 354, 363 and 511 read with Section 34 IPC registered at Police Station Division 8, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 27.04.2018 (Annexure P-2).

This Court vide order dated July 05, 2019 had directed the parties to appear before the Illaqa Magistrate/trial Court on 09.08.2019 to get their respective statements recorded with regard to compromise and the Court

was directed to send its report qua genuineness of the compromise. Since the parties failed to appear before learned Magistrate on 09.08.2019, one more opportunity was granted to them to appear before the Illaqa Magistrate/trial Court on 28.11.2019 vide order dated 15.10.2019 passed by this Court.

Pursuant to the aforesaid order dated 15.10.2019, the parties had appeared before learned Judicial Magistrate 1st Class, Jalandhar and got their statements recorded on 24.01.2020. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 17.02.2020 to the effect that the parties have entered into compromise with their free consent and without any pressure, coercion, undue influence and inducement from any quarter.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Parveen Rani. Respondent No.3 Anamika is the sister of respondent No.2-complainant. Both of them have made a joint statement before learned Magistrate in support of the compromise on 24.01.2020, which reads as under:

“Stated that we have compromised the matter with the accused persons in the FIR no.215 dated 28.10.2017 u/S 341, 294, 354, 363, 511, 34 IPC registered with PS Div. No.8, Jalandhar. We have compromised the matter with our own sweet will without any threat, pressure or coercion from any side. We have no objection if the FIR stated above recorded be quashed by Hon’ble High Court. We are making present statement without any threat, coercion and pressure from any side. Photocopies of our Aadhar Card are Ex.P1 and Ex.P2 respectively, which are self attested (original seen and returned).”

Learned State counsel and learned counsel for respondents No.2 and 3 have not disputed 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 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.215 dated 28.10.2017 under Sections 341, 294, 354, 363 and 511 read with Section 34 IPC registered at Police Station Division 8, District Jalandhar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise deed dated 27.04.2018 (Annexure P-2), however, subject to payment of costs of Rs.10,000/- to be paid by the petitioner to the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh within a period of one month from today.

February 28, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No