

135.

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

**CRM-818-2020 IN/AND
CRM-M-15329-2019**

Date of decision: 20.01.2020.

DEV RAJ AND ORS

... Petitioners

versus

STATE OF PUNJAB AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sahil Soi, Advocate, for the applicant-petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab,
for respondent No.1.

Ms. Parveen, Advocate, for respondent No.2.

HARI PAL VERMA, J.(Oral)

CRM-818-2020

Prayer in this application filed under Section 482 Cr.P.C. is for preponement of the main case, which is otherwise fixed for hearing on 10.02.2020.

For the reasons stated in the application, same is allowed. The hearing of the petition is preponed and the same is taken on board today itself.

CRM-M-15329-2019

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.29 dated 04.02.2018 registered under Section 498-A of IPC (Section 420, 375 (4), 120-B of IPC added lateron) at Police Station Adampur (Patara), District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 26.03.2019

(Annexure P-4).

This Court vide order dated 03.04.2019 had directed the parties to appear before the trial Court/Illaqa Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 02.08.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, with their free will, without any pressure or coercion from any corner.

Respondent No.2-complainant, namely, Ruby has made her statement with regard to compromise before learned Magistrate on 23.04.2019. The same is reproduced as under:-

“Stated that the FIR No.29 dated 04.02.2018 under Section 498-A, 420, 375/4, 120B of IPC PS Patara, Adampur, Jalandhar was got registered by me against Amarjit S/o Dev Raj, Shiv Nandan @ Sabi S/o Dev Raj, Dev Raj S/o Daulat Ram, Raj Kumari W/o Dev Raj, Brij Lal S/o Daulat Ram and Joginder Kaur @ Gindo W/o Brij Lal all resident of Parsrampur Tehsil and District Jalandhar. With the intervention of the respectables and the near and dear of both sides, the matter has been amicably settled and compromised between the parties. The said compromise is genuine and with my free will and without any pressure or coercion from any corner. I have no objection if the above said FIR quashed against all the accused namely Amarjit, Shiv Nandan, Dev Raj, Brij Lal, Joginder Kaur @ Gindo and Raj Kumari. The self attested copy of Aadhar Card of Complainant is Ex.C1 as the proof of my identity.”

Learned counsel for the petitioners states that the FIR cannot be registered for the offence under Section 375(4) of IPC as this Section defines the term 'rape', but still it has been added. Even otherwise, the matter has been compromised between the parties. He further states that none of the accused is PO in the case.

Learned counsel appearing on behalf of respondent No.2-complainant fairly admits the factum of compromise and states that she has no objection in case the present FIR is quashed qua the petitioners. She further states that the marriage of the complainant with petitioner No.6-Amarjit was solemnized on 08.06.2012.

In view of above the matter having been compromised between the parties, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

Accordingly, the present petition is allowed and F.I.R. No.29 dated 04.02.2018 registered under Section 498-A of IPC (Section 420, 375 (4), 120-B of IPC added lateron) at Police Station Adampur (Patara), District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 26.03.2019 (Annexure P-4), however, that would be subject to payment of Rs.25,000/- to be deposited in the High Court Lawyers' Welfare Fund, within one month from today.

(HARI PAL VERMA)
JUDGE

20.01.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No