

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

CRM-M-22454 of 2019.

Decided on:- January 28, 2020.

Harpal Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Vivek Singla, Advocate for the petitioners.

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

Mr. Vivek Salathia, Advocate 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.135 dated 31.10.2018 under Sections 323, 427, 452, 376, 511, 148 and 149 IPC registered at Police Station Gharinda, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 04.05.2019 (Annexure P-2).

This Court vide order dated September 05, 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 Chief Judicial Magistrate, Amritsar and got their statements recorded on 24.10.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 21.12.2019 to the effect that

the compromise is genuine and voluntary and is without any coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant. She has already made a statement before learned Magistrate in support of compromise on 24.10.2019, the relevant part of which reads as under:

“I have got registered FIR No.135 dated 31.10.2018 under sections 323, 427, 452, 376, 511, 148,149 of Indian Penal Code, 1860 Police station, Gharinda, Amritsar against accused Harpal Singh, Ranjit Singh son of Balwant Singh, Ranjit Singh son of Harbhajan Singh, Resham Singh, Gurpreet Singh @ Hira, Gursahib Singh @ Sabhi @ Sahib Singh, Bhupinder Singh, Baljinder Singh @ Soni and Hardial Singh. Now, with the intervention of respectable persons, I have arrived at a compromise with the said accused voluntarily and without any kind of threat fear or pressure. I have no objection, if FIR No.135 dated 31.10.2018 under sections 323, 427, 452, 376, 511, 148,149 of Indian Penal Code, 1860 Police station, Gharinda, Amritsar is quashed against the said accused. I am making my statement today in the court without any kind of pressure, coercion and fear.”

Learned counsel for the petitioners states that there is no allegation of commission of rape and since the allegation is attempt to commit rape, there is no impediment for this Court to quash the FIR in question on the basis of compromise.

This fact has not been disputed by learned counsel for respondent No.2-complainant.

Learned State counsel has not disputed the factum of compromise arrived at between the petitioners and respondent No.2.

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.

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* as well as the law laid down in *Narinder Singh and others' case (supra)*, the present petition is allowed and the FIR No.135 dated 31.10.2018 under Sections 323, 427, 452, 376, 511, 148 and 149 IPC registered at Police Station Gharinda, District Amritsar Rural (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 04.05.2019 (Annexure P-2), subject to payment of total sum of Rs.10,000/- as costs (i.e. Rs.5,000/- by the petitioners and Rs.5,000/- by respondent No.2) to be deposited with All India Pingalwara Charitable Society, Amritsar within a period of one month from today.

January 28, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No