

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-29808 of 2019

Date of Decision: 13.03.2020

Vishavjeet alias Pandu

...Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

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

Present:- Mr. Raghav Goyal, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. K.S. Mann, 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.0182 dated 27.10.2018 under Sections 363 and 366 IPC registered at Police Station City Sri Muktsar Sahib (Annexure P-1), Diary/Rapat No.052 dated 20.02.2019 (Annexure P-2), vide which the offence under Section 376 IPC and Sections 3 and 4 POCSO Act were added and subsequent proceedings arising out of aforesaid FIR, on the basis of compromise (Annexure P-3).

On the basis of statement made on behalf of the petitioner that the petitioner and respondent no.3 are staying together as husband and wife and a daughter has also born to them on 02.08.2019, this Court vide order 22.10.2019 had directed the parties to appear before the Illaqa

Magistrate/Trial Court to get their statements recorded with regard to compromise so arrived and learned Illaqa Magistrate/Trial Court was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before Chief Judicial Magistrate, Sri Muktsar Sahib and got their statements recorded. Learned Magistrate has forwarded his report dated 21.12.2019 to the effect that the compromise arrived at between the parties is genuine and voluntary and the same is not the result of any pressure, coercion or undue influence.

Counsel for the complainant admits the very factum of compromise entered between the parties.

The statement of the complainant - Satpal Singh recorded on 02.12.2019 reads as under:-

“Stated that FIR No.182 dated 27.10.2018 U/S 363, 366 of IPC later on added 376 IPC, Section 3, 4 of POSCO Act, P.S. City Sri Muktsar Sahib was registered against Vishavjeet @ Pandu on my statement. Now we have compromised the matter with the intervention of the respectables amicably. The compromise is genuine and has been effected voluntarily, without any coercion, fraud or misrepresentation and with the free will of the parties and I have no objection if the FIR No.182 dated 27.10.2018 U/S 363, 366 of IPC later on added 376 IPC, Section 3, 4 of POSCO Act, P.S. City Sri Muktsar Sahib be quashed. Except accused Vishavjeet @ Pandu no other person has been arrayed as the accused. I have no objection if the FIR against the accused is quashed.”

On the other hand, learned State counsel, on instructions from the Investigating Officer, submits that the police has already conducted investigation and prepared cancellation report, which is pending consideration for approval before the higher authorities.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties and no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1352 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2013)13 SCC 303 and considering the fact that the petitioner and respondent no.3 are staying together as husband and wife and a daughter has also born to them this petition is allowed and FIR No.0182 dated 27.10.2018 under Sections 363 and 366 IPC registered at Police Station City Sri Muktsar Sahib (Annexure P-1), Diary/Rapat No.052 dated 20.02.2019 (Annexure P-2), vide which the offence under Section 376 IPC and Sections 3 and 4 POCSO Act were added and subsequent proceedings arising out of aforesaid FIR are quashed *qua* the petitioner, on the basis of compromise (Annexure P-3). However, this will be subject to payment of costs of Rs.5,000/-, which shall be paid by the petitioners in the Lawyers Welfare Fund of Punjab and Haryana High Court Bar Association.

March 13, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No