

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

CRM-M-36172 of 2019.

Decided on:- January 14, 2020.

Paramjit Singh.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Ashok Mahajan, Advocate
for the petitioner.

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

None for respondent No.2-complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.4 dated 11.01.2016 under Sections 354-A, 323 and 506 read with Section 34 IPC registered at Police Station Kharar, District SAS Nagar (Mohali) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 27.07.2019 (Annexure P-2).

This Court vide order dated September 02, 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 Judicial Magistrate 1st Class, Kharar and got their statements recorded

on 15.10.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 24.10.2019 to the effect that the compromise is genuine and correct and the parties are not under any pressure, threat, undue influence etc. and are making compromise out of their free will.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Sukhjeet Kaur. Though no one has put in appearance on behalf of respondent No.2, but it would not cause any prejudice to her as she has already made a statement before learned Magistrate in support of compromise on 15.10.2019, which reads as under:

“Stated that I have compromised the matter in dispute with the accused person and the compromise is without any fear and pressure, coercion or undue influence. The original copy of compromise is already annexed with quashing petition pending before the Hon’ble Punjab & Haryana High Court. In view of the compromise above said FIR No.4 dated 10.01.16 U/s 354A, 323, 506, 34 IPC, P.S. Sadar Kharar, may kindly be quashed. Accused has not been declared Proclaimed Offender. I have no objection if the present FIR is quashed by the Hon’ble High Court. My Aadhar Card is Mark-A.”

Learned State counsel has not disputed the factum of compromise effected 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 FIR No.4 dated 11.01.2016 under Sections 354-A, 323 and 506 read with Section 34 IPC registered at Police Station Kharar, District SAS Nagar (Mohali) (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise deed dated 27.02.2019 (Annexure P-2).

January 14, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No