

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

CRM-M-37678 of 2019.

Decided on:- January 28, 2020.

Akshay.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. S.K. Verma, Advocate
for the petitioner.

Ms. Priyanka Sadar, A.A.G., Haryana.

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.150 dated 29.03.2019 under Section 354-A IPC registered at Police Station Meham, District Rohtak (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 06.08.2019 (Annexure P-2).

This Court vide order dated September 06, 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 Sub-Divisional Judicial Magistrate, Meham and got their statements

recorded on 05.11.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 16.11.2019 to the effect that the compromise entered into between the parties is genuine and without coercion.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant. Though none has put in appearance on her behalf in Court, but it would not cause any prejudice to her as she has already made a statement before learned Magistrate in support of compromise on 05.11.2019, which reads as under:

“Stated that I have entered into compromise with accused Akshay. The compromise has been arrived at with my free consent and without any kind of fear or pressure. As such, I do not want to pursue the proceedings of this case against the accused and I also have no objection if the present F.IR. No.150/19 P.S. Meham is quashed in favour of the accused.”

Learned State counsel states that the charges have been framed in the case. However, she does not dispute 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.150 dated

29.03.2019 under Section 354-A IPC registered at Police Station Meham, District Rohtak (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 06.08.2019 (Annexure P-2), however, subject to payment of Rs.5,000/- as costs to be deposited by the petitioner with Pandit Bhagwat Dayal Sharma Post Graduate Institute of Medical Sciences (PGIMS), Rohtak within a period of one month from today. The said amount shall be utilised by the Institute for the welfare of poor patients within the knowledge of the Medical Superintendent.

January 28, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No