

257.

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

CRM-M-38445-2019

Date of decision: 29.01.2020

INDER KUMAR

... Petitioner

versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Rahul Rampal, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab,
for respondent No.1.

Ms. Anu Sharma, 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 F.I.R. No.181 dated 05.10.2016 registered under Sections 363, 366-A of IPC at Police Station Daba, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 15.06.2019 (Annexure P-2).

This Court vide order dated 10.09.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court 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 Additional District and Sessions Judge, Ludhiana and got their

statements recorded. On the basis of the statements so recorded, learned Additional District and Sessions Judge has submitted report dated 30.10.2019 to the effect that the compromise is genuine and has been effected between the parties without any coercion or undue influence.

Respondent No.2-complainant, namely, Jyoti Bala has made her statement with regard to compromise before learned Additional District and Sessions Judge (Duty) on 29.10.2019. The same is reproduced as under:-

“Stated that I had got registered FIR No.181 dated 05.10.2016 against Inder Kumar son of Chandrika Parshad, resident of House No.60/36, M-23, Main Gali, Gagan Nagar, Daba, Ludhiana, under Sections 363, 366A of Indian Penal Code at Police Station Daba, Ludhiana. My daughter/victim has solemnized marriage with accused Inder Kumar on 01.09.2016 as per Hindu Rites and Ceremonies and after the marriage, my daughter/victim along with accused Inder Kumar is residing together as husband and wife at her matrimonial home. Now I do not want to proceed further with this case against accused and have no objection if FIR against accused is quashed by Hon'ble High Court. My daughter/victim has solemnized her marriage with accused with her own free will and without any coercion. I have not been pressurized either to compromise the matter or to make statement in the court in this regard.”

Apart from above, a similar statement has been made by the victim-Mamta i.e. respondent No.3, wherein she has stated that she has no objection in case the present FIR is quashed qua the petitioner.

Learned counsel for the petitioner states that petitioner and respondent No.3 have solemnized marriage on 01.09.2016 and they are staying together as husband and wife.

Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

Considering the fact that the parties are staying together as husband and wife and the matter has been compromised between the parties, no useful purpose would be served to keep the proceedings alive in the present FIR.

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*, this petition is allowed and F.I.R. No.181 dated 05.10.2016 registered under Sections 363, 366-A of IPC at Police Station Daba, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 15.06.2019 (Annexure P-2), however, that would be subject to payment of costs of Rs.5,000/- to be deposited with the High Court Bar Association in the Lawyers' Welfare Fund, within one month from today.

(HARI PAL VERMA)
JUDGE

29.01.2020
sanjeev

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