

261.

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

CRM-M-40696-2019

Date of decision: 03.02.2020

NARESH KANAUI

... Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Rakesh Gupta, Advocate,
for the petitioner.

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

None 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.63 dated 15.03.2019 registered under Section 354-A of IPC at Police Station Kotwali, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 11.05.2019 (Annexure P-2).

This Court vide order dated 23.09.2019 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. However, the statements could not be recorded and again vide order dated 20.01.2020, parties were afforded another opportunity to get their statements recorded in terms of order dated 23.09.2019.

Pursuant to the aforesaid order, parties have appeared before learned Chief Judicial Magistrate, Patiala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 30.01.2020 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any pressure, coercion or undue influence from any quarter.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Meenakshi Kashyap but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 28.01.2020. The same is reproduced as under:-

“Stated that I have compromised the matter with accused Naresh Kanauj with the intervention of respectable persons and common friends in respect of FIR no.63 dated 15.3.2019, U/s 354-A IPC, P.S. Kotwali, Patiala voluntarily, without any coercion, threat or undue influence. The compromise has been effected with an aim to put an end to the ensuing rivalry. I have no objection if the present offences be quashed qua the accused as I do not want to proceed further with this present case. Photocopy of my affidavit qua the compromise in the present FIR dated 11.5.2019 is Annexure A1. The photocopy of my Adhaar Card is Ex.PA.”

Learned State counsel has not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant 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.63 dated 15.03.2019 registered under Section 354-A of IPC at Police Station Kotwali, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise/affidavit dated 11.05.2019 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

03.02.2020
sanjeev

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