

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

CRM-M-42456 of 2019.

Decided on:- February 25, 2020.

Gaganpreet Singh and another

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. H.P.S. Ishar, Advocate
for the petitioners.

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

Ms. Sakshi Saini, 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.30 dated 31.03.2018 under Sections 323, 354 and 342 read with Section 34 IPC registered at Police Station Phase-11, District SAS Nagar, Mohali (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise by way of affidavit dated 01.05.2019 (Annexure P-2).

This Court vide order dated October 03, 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 petitioner and respondent No.2-complainant have appeared before learned Additional Chief Judicial Magistrate, SAS Nagar 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 10.12.2019 to the effect that the compromise between the parties is genuine, voluntary and without any coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Harpreet Kaur. She has already made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 05.11.2019 reads as under:

“Stated that the matter has been compromised between me and the accused Gaganpreet Singh and Gurleet Kaur @ Mehak. The compromise is voluntary, without any threat, duress or coercion. I have brought my Aadhaar Card towards my identity. Photocopy of the same is Annexure C-1.”

Learned State counsel and learned counsel for respondent No.2-complainant have 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 petitioners 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.30 dated 31.03.2018 under Sections 323, 354 and 342 read with Section 34 IPC registered at Police Station Phase-11, District SAS Nagar, Mohali (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise by way of affidavit dated 01.05.2019 (Annexure P-2), however, subject to payment of total costs of Rs.5,000/- to the Government Medical College and Hospital, Sector-32, Chandigarh, which shall be paid by the petitioners within a period of one month from today. This amount shall be utilized for the welfare of poor and needy patients under the supervision of concerned Medical Superintendent.

February 25, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No