

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

CRM-M-45116 of 2019.

Decided on:- March 06, 2020.

Banarsi Dass and another

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Ms. Sapna Thakur, Advocate for
Mr. Ashok Giri, Advocate
for the petitioners.

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

Mr. Ravi Rana, 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.100 dated 02.07.2019 under Sections 323 and 354 read with Section 34 IPC registered at Police Station Adampur, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 25.09.2019 (Annexure P-2).

This Court vide order dated October 23, 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, Jalandhar and got their statements recorded on 02.12.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 10.01.2020 to the effect that the compromise is genuine, voluntary, with the free will of the parties, without any pressure or coercion and undue influence from any corner.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Ramandeep Kaur. She has already made a statement before learned Magistrate in support of the compromise on 02.12.2019, which reads as under:

“Stated that the FIR No.100 dated 02.07.2019 under Section 323/354/34 of IPC PS Adampur, Jalandhar was got registered by me against Banarasi Dass S/o Malla Ram, Mangat Ram S/o Banarasi Dass. With the intervention of the respectables and the near and dear ones of both sides, the matter has been amicably settled and compromised between the parties. The said compromise is genuine, voluntary and with my free will and without any pressure or coercion and without undue influence from any corner. I have no objection if the present FIR is quashed against the accused Banarsi Dass and Mangat Ram. There are no other accused in this case except Banarsi Dass and Mangat Ram. No accused has been declared as proclaimed offender in the present FIR. Challan has not been presented in this case. The copy of my Adhar Card is Ex.C1 (original seen and returned) as the proof of my identity.”

Learned State counsel and learned counsel for respondent No.2-complainant have not disputed the factum of compromise 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 of FIR No.100 dated 02.07.2019 under Sections 323 and 354 read with Section 34 IPC registered at Police Station Adampur, District Jalandhar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 25.09.2019 (Annexure P-2).

March 06, 2020

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No