

280-A

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

CRM-M-44600 of 2019.

Decided on:- February 28, 2020.

Lovepreet Singh.

.....Petitioner.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. Jasmeet Singh Ghumman, Advocate
for the petitioner.

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

None for respondents No.2 and 3.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.114 dated 23.06.2016 under Sections 363 and 366-A IPC registered at Police Station Basti Bawa Khel, District Police Commissionerate, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise by way of affidavits dated 26.09.2019 (Annexure P-3).

This Court vide order dated October 18, 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 28.11.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 21.12.2019 to the effect that the compromise has been effected between the complainant and accused and same is voluntary, without any pressure or coercion and is genuine one.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Vikram Singh. Respondent No.3 Pooja is the daughter of respondent No.2-complainant. Though none has appeared on behalf of respondents No.2 and 3 in Court, but it would not cause any prejudice to him as they have made a joint statement before learned Magistrate in support of the compromise on 28.11.2019, which reads as under:

“Stated that one criminal case vide 114, dated 23.06.2016 under Section 363, 366-A IPC, PS Basti Bawa Khel, Jalandhar has been registered against Lovepreet Singh. Challan has been presented in the above said FIR. In the meantime with the intervention of the respectable the matter in dispute has been compromised between me and accused. Copy of the said compromise deed is Ex.C1 upon which we have identified our signatures. On the strength the said compromise accused has preferred petition under section 482 Cr.P.C. before Hon’ble High Court. As such the Hon’ble High Court directed us to record our statement before this Hon’ble Court vide order dated

14.10.2019. We have full faith in accused. The compromise has been effected with our free will, sound disposing mind and without any coercion. We have no objection if the above-said case be quashed on account of compromise. Copy of our self attested ID Card i.e. Aadhar Card is Ex.C2 & Ex.C3.”

Learned counsel for the petitioner states that apart from the fact that the matter has been compromised between the parties, the petitioner and respondent No.3 Pooja have solemnised marriage and they are staying together as husband and wife.

Learned State counsel does not dispute 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 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 of FIR No.114 dated 23.06.2016 under Sections 363 and 366-A IPC registered at Police Station Basti Bawa Khel, District Police Commissionerate, Jalandhar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise by way of affidavits dated 26.09.2019 (Annexure P-3), however, subject to payment of costs of Rs.5,000/- with the Director, Government Multi Speciality Hospital, Sector-16, Chandigarh, which shall be paid by the petitioner 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 28, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No