

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-45993 of 2019

Date of Decision: 18.03.2020

Anand Kumar

...Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

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

Present:- None for the petitioner.

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

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.105 dated 10.05.2019 under Sections 354, 458, 506, 384 IPC and Section 12 POSCO Act registered at Police Station City Kapurthala, District Kapurthala (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

This Court vide order 29.10.2019 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with regard to compromise so arrived and learned Illaqa Magistrate/Trial Court was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before Additional District and Sessions Judge, Kapurthala and got their statements recorded. Learned Additional Sessions Judge has forwarded her report dated 13.12.2019 to the effect that the compromise arrived at between the parties is genuine and voluntary and the same is not the result of any pressure, coercion or undue influence.

The statement of the complainant-Rajan Gupta recorded on 04.12.2019 reads as under:-

“Stated that I am complainant of the present case. The present case against the accused Anand Kumar has been registered at my instance. It is correct that with the intervention of the respectables, a compromise has been effected between me and accused. Compromise effected between us. The copy of which is Mark-A and it bears the thumb impression/signatures of all the parties. I place the copy of compromise Mark-A on record. Compromise between me and accused namely Anand Kumar has been effected with his free Will and without any pressure, undue influence, threat or promise of any kind. Now, we have left with no grudge against each other. We want to live in peace and harmony. I have heard the statement of accused Anand Kumar and I agree with the same. I have no objection if the present FIR No.105 dated 10.05.2019 got registered by me against the accused/applicant under sections 354/458/506/384 IPC& 12 of POCSO Act, Police Station City, Kapurthala is hereby quashed. I produce photocopy of my Aadhar card attested by me as my identity proof on his file (original seen and returned) and the same is mark-B.”

Apart from above, similar statement of the victim has also been recorded, wherein she has shown no objection to the FIR being quashed.

Learned State counsel does not dispute the factum of compromise effected between the parties.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties and no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1852 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2018)18 SCC 303, this petition is allowed and FIR No.105 dated 10.05.2019 under Sections 354, 458, 506, 384 IPC and Section 12 POSCO Act registered at Police Station City Kapurthala, District Kapurthala (Annexure P-1) and the subsequent proceedings arising therefrom are quashed *qua* the petitioner, on the basis of compromise (Annexure P-2). However, this will be subject to payment of costs of Rs.10,000/-, which shall be paid by the petitioners in the Government Multi Speciality Hospital, Sector 16, Chandigarh within one month from today. The said amount shall be spent for the treatment of poor and needy patients under the supervision of Medical Superintendent of the Hospital.

March 18, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No