

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

CRM-M-2052 of 2020.

Decided on:- February 25, 2021.

Rohit Bajwa minor son of Amarjit Singh.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Maneet Kumar Arya, Advocate
for the petitioner.

Mr. M.S. Nagra. A.A.G., Punjab.

Ms. Swati Verma, Advocate
for respondent No.2.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.103 dated 27.12.2019 under Sections 363 and 366-A IPC registered at Police Station Rangar Nangal, District Batala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of statement on affidavit dated 11.01.2020 (Annexure P-2).

This Court vide order dated January 17, 2020 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.

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Pursuant to the aforesaid order, the parties had appeared before learned Judicial Magistrate 1st Class, Batala and got their statements recorded on 14.02.2020. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 04.03.2020 to the effect that the compromise has been effected between the complainant and accused and the same is genuine, which is not the result of any pressure or coercion.

Respondent No.2-complainant, namely, Kuljit Kaur has made her statement with regard to compromise before learned Magistrate on 14.02.2020. The same is reproduced as under:-

“Stated that the present FIR bearing no. 103 dated 27.12.2019 under section 363/366-A IPC, Police Station Rangar Nangal, Batala was registered against the accused namely Rohit Bajwa on my statement. Now I have compromised the matter with accused above named with the intervention of the respectables vide compromise deed. Original of said compromise deed is attached with petition filed before Hon’ble High Court. I have no objection if the present FIR bearing no. 103 dated 27.12.2019 under section 363/366-A IPC, Police Station Rangar Nangal, Batala, be quashed qua the above said persons. I have given my statement with my free will and without any coercion and any pressure. Copy of my identity card is Ex. C1. Further, compromise effected between me and accused is not having any adverse effect on the rights of any third party. I have not been declared proclaimed person/offender by any court of law.”

Similarly, the victim, who is daughter of the complainant has also made her statement before learned Magistrate in support of compromise on 14.02.2020.

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Learned State counsel as well as learned counsel for respondent No.2 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 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.103 dated 27.12.2019 under Sections 363 and 366-A IPC registered at Police Station Rangar Nangal, District Batala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of statement on affidavit dated 11.01.2020 (Annexure P-2).

February 25, 2021

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No