

CRM-M-5577-2021

Date of Decision:02.11.2021

Bhupesh Garg alias Monti and anotherPetitioners
Vs.
State of PunjabRespondent

CRM-M-6734-2021

Jamsi and anotherPetitioners
Vs.
State of PunjabRespondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: None for the petitioners in CRM-M-5577-2021.

Mr.Rahul Bhargav, Advocate
for the petitioners in CRM-M-6734-2021.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Ms. Prathula Sehi, Advocate, for
Ms. Arti Kaur, Advocate,
for respondents no.2 to 4

AMOL RATTAN SINGH, J. (Oral)

Case heard *via* video conferencing.

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On February 23, 2021, the following order had been passed by this
court (co-ordinate bench):-

“Pursuant to the order dated 15.02.2021 passed by
this Court, petitioners are present in person.

Prayer in this petition is for quashing of the FIR
along with all consequential proceedings arising therefrom on
the basis of compromise between the parties.

Notice of motion for 11.05.2021.

Learned counsel appearing on behalf of respondent Nos.2 to 4 accepts the factum of compromise effected between the parties.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement on 26.03.2021.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of the parties on or before the next date of hearing containing the following information as well:

- (i) Number of persons arrayed as accused in FIR;
- (ii) Whether any accused is proclaimed offender;
- (iii) Status of the trial/proceedings and
- (iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.”

Pursuant to the aforesaid order a report has been received by the JMIC, Moonak, dated 03.05.2021, stating to the effect that respondents no.2 to 4 appeared before that court alongwith the accused, i.e. the two petitioners herein, and recorded their statements in respect of the compromise reached between them, with the investigating officer in the FIR also having stated that there were only two accused (the petitioners herein), and that none of them was a proclaimed offender and there was no other criminal proceedings pending against the petitioners.

He had also stated that there were “three complainants” (i.e. respondents no.2 to 4 herein, in the matter).

As per the assessment of that court the compromise arrived at between the parties appeared to be genuine and voluntary without any coercion or undue influence

Ms. Prathula Sethi, Advocate appears for Ms. Arti Kaur, Advocate for respondents no.2 to 4 and submits that the compromise between the parties still subsists.

That being so, the matter essentially having arisen on account of the petitioners having eloped and married each other against the wishes of respondents no.2 to 4 (with respondents no.2 and 3 being the parents of petitioner no.1 as per learned counsel appearing for them), I would see no reason to disallow the petition.

Consequently, the petition is allowed and FIR No.13, dated 20.01.2021, registered at Police Station Lehra, District Sangrur, alleging therein the commission of the offences punishable under Sections 328/120-B of the IPC, along with all proceedings emanating therefrom, is hereby quashed.

It is however made absolutely clear that that this petition being one seeking quashing of the FIR in question alleging therein the commission of offences punishable under Sections 328/120-B of the IPC, on the basis of the compromise reached between the parties, naturally it is only the said FIR which has been quashed on the basis of the compromise reached, with no comment made by this court on the actual validity of the marriage between the petitioners and with it further clarified that if any of the petitioners is found to be actually below marriageable age in terms of the Prohibition of Child Marriage Act, 2006, this order would not bar any proceedings under the provisions of that Act, all offences punishable under that Act being cognizable offences.

However, whether or not any of the petitioners is below marriage age in terms of that Act is again not being commented upon by this court, in the absence of any evidence presented before this court, in that regard in this petition.

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The FIR in question having been quashed hereinabove in view of the compromise reached between the parties, this petition, seeking the concession of 'anticipatory bail', has been rendered infructuous and is disposed of as such.

(A photocopy of this order be placed on the file of the connected case).

November 02, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO