

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-15358 of 2021
Date of decision:08.04.2021

Shinda

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Divyadeep Walia, Advocate
for the petitioner.

SUVIR SEHGAL, J. (Oral)

This is the second petition seeking quashing of FIR No.85 dated 10.09.2017 registered under Sections 451 and 354 of Indian Penal Code, 1860 at Police Station Rampura, District Bathinda and DDR No.31 dated 14.11.2017 registered at Police Station Sadar Rampura, District Bathinda, vide which offence under Section 354-A IPC was added (challan was presented under Sections 451/354/354-A IPC) alongwith all consequential proceedings on the basis of compromise dated 23.07.2020 arrived at between the parties.

The first petition (CRM-M-33017 of 2020) came up for hearing on 15.10.2020 and the following order was passed:-

“The Court has been convened through video conferencing due to Covid-19 pandemic.

Prayer in the petition filed under Section 482 of the Code of Criminal Procedure, 1973 is for quashing of FIR No.85 dated 10.09.2017 (Annexure P-1) under Sections 451 and 354 of Indian Penal Code, 1860 (for short “IPC”) registered at Police Station Sadar Rampura, District Bathinda and all other subsequent proceedings arising therefrom, on the basis of the compromise dated 23.07.2020 (Annexure P-2).

Admittedly, the challan was presented against the petitioner under Section 354-A of IPC. The allegation against the petitioner is regarding outraging the modesty of the complainant/respondent No.2.

A query was put to the counsel as to whether heinous crimes which are an affront to the dignity of women can be quashed, more so, on the basis of “so-called” compromise.

Faced with this question, counsel for the petitioner sought withdrawal of the petition.

Permitted to do so.

Dismissed as withdrawn.”

Thereafter, applications were filed for reviving the case. After hearing the petitioner, who had engaged another counsel, the following order was passed on 08.03.2021:-

“CRM-2420-2021 & CRM-2421-2021

Prayer made in the application is for recalling of final order dated 15.10.2020 and for reviving the main case and deciding

the same after taking into consideration the various orders passed by this Court.

The main petition was withdrawn by the counsel for the applicant-petitioner when a query was put to him as to whether heinous crimes, which are an affront to the dignity of women, can be quashed, more so, on the basis of “so called” compromise. Faced with this question, counsel for the applicant-petitioner sought withdrawal of the petition.

Present applications have been filed through a different counsel, which are not maintainable.

Both applications are dismissed.”

Now through the instant petition, an attempt has been made to re-argue the matter which cannot be permitted. The petition is, accordingly, dismissed with costs which are quantified at Rs.20,000/- to be deposited with the Punjab State Legal Services Authority, Site No.126, opposite GMADA Community Centre, Sector 69, Sahibzada Ajit Singh Nagar, Punjab, within one month from today

A copy of this order be sent to the Punjab State Legal Services Authority.

(SUVIR SEHGAL)
JUDGE

April 08, 2021
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No