

CRM-M-20015-2021

Date of Decision:08.11.2021

Bengiman Gill and another

.....Petitioners

Vs.

State of Punjab and another

....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Vipin Mahajan, Advocate,
for the petitioners.

Mr. M.S.Nagra, AAG, Punjab.

Mr. Vishal Munjal, Advocate,
for respondent no.2.

AMOL RATTAN SINGH, J. (Oral)

This case has been taken up out of turn after 4:00 pm. on the request of learned counsel for the petitioners as also respondent no.2, who submit that the report of the learned CJM, Gurdaspur, having been received as regards the compromise reached between the parties, the matter can be disposed of.

By this petition, the petitioners seek quashing, on the basis of a compromise arrived at between them and respondent no. 2, of FIR no. 74, dated 14.04.2021, registered at Police Station City Gurdaspur, for the alleged commission of an offence punishable under the provisions of Section 379-B of the IPC, as also all other subsequent proceedings arising therefrom. A copy of the compromise deed has been annexed as Annexure P-1 with the petition.

The reply filed on behalf of the respondent State, dated 04.09.2021, is ordered to be taken on record, which also refers to the compromise reached between the parties and further states that there is no other criminal case registered against the petitioners.

As per the report of the learned CJM, Gurdaspur, the complainant/respondent no.2, Sushma Kumari, appeared before that court on 13.07.2021 and stated that she has compromised the matter with the petitioners without any threat or pressure and she has no objection to the FIR in question being quashed.

Statements of petitioner no.1, i.e. the accused, Bengamin Gill and Amar Masih, i.e. the father of accused/petitioner no.2, Joel Gill, (who is shown to be 17 years 6 months of age in the petition), were also recorded before that court as regards the compromise reached between the parties.

The investigating officer in the FIR also suffered a statement before the learned CJM to the effect that there was no other person involved in the occurrence and that there is no other criminal case registered against the petitioners.

As per the assessment of that court the compromise arrived at between the parties is voluntary, without any fear and pressure.

That being so, looking at the nature of the offence alleged to have been committed by the petitioners, with learned counsel for respondent no.2 also appearing and reiterating the factum of the compromise between the parties, the present petition is allowed and FIR no. 74, dated 14.04.2021, registered at Police Station City Gurdaspur, for the alleged commission of an

offence punishable under the provisions of Section 379-B of the IPC, along with all proceedings emanating therefrom, is hereby quashed.

November 08, 2021

dharamvir

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : YES
Whether Reportable : NO