

Sahni @ Sahni Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Amandeep Singh Mainse, Advocate,
for the petitioner.
Mr.Sandeep Singh Deol, DAG, Punjab.

Mr. Gagandeep Singh, Advocate
for respondent no.2.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

On 15.12.2020, the following order had been passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks quashing, on the basis of a compromise arrived at between the petitioner and respondent no. 2, of FIR no. 36 dated 02.07.2017, registered at Police Station Batala, District Gurdaspur, for the alleged commission of an offence punishable under Section 354-A of the IPC, as also all other subsequent proceedings arising therefrom . A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Notice of motion.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab accepts notice at the asking of the court on behalf of respondent no.1, with Mr. Gagandeep Singh, Advocate, appearing for respondent no.2. A copy of the petition be emailed to both learned counsel for the respondents by learned counsel for the petitioner today itself.

Adjourned to 08.02.2021.

In the meanwhile, the petitioner, as also respondent no. 2, would appear before the learned trial court/Ilaqa Magistrate upto 05.01.2021 to record their statements. The trial court/Ilaqa Magistrate would satisfy itself/ herself/himself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its/her/his report to this court, before the next date of hearing.

That court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this court comes to the conclusion that the FIR sought to be quashed can be so quashed.

Learned State counsel would also verify whether there are any criminal cases, of like nature or otherwise, pending against the petitioner(s).

A gazetted officer is also directed to file a reply to the petition.”

Pursuant thereto a report of the learned SDJM, Batala, dated 06.01.2021, has been received, stating therein that the petitioner as also the complainant (respondent no.2 herein) appeared before that court and submitted that they have compromised the matter with each other of their own free will with the statement of the investigating officer also having been record to the effect that other than the complainant there is no other 'victim' in the FIR in question.

As per the assessment of that court the compromise arrived at between the parties is not the result of any pressure or coercion and is genuine.

That being so, though otherwise obviously the offence alleged to have been committed is a crime against a woman, however, with the complainant herself having settled the matter with the petitioner of her own free will, I would see no purpose in continuing with criminal proceedings against the petitioner.

Consequently, this petition is allowed and the FIR no.36 dated 02.07.2017, registered at Police Station Rangar Nagal, District Batala, alleging therein the commission of an offence punishable under Section 354-A of the IPC, alongwith all proceedings emanating therefrom, is hereby quashed.

February 11, 2021

dharamvir/

**(AMOL RATTAN SINGH)
JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable: : Yes/No