

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

CRM-M-43255 of 2020.

Decided on:- March 31, 2021.

Bhola Kushawaha and another

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. Surinder Sharma, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

Mr. Lovish Rattan, Advocate
for respondents No.2 and 3.

HARI PAL VERMA, J. (Oral)

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

The petitioners have filed the present petition under Section 482 Cr.P.C. for quashing of FIR No.41 dated 17.04.2019 under Sections 323, 354-B and 452 read with Section 34 IPC registered at Police Station Division No.5, Jalandhar, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 02.12.2020 (Annexure P-2).

This Court vide order dated 22.12.2020 had directed the parties to appear before the Illaqa Magistrate/Duty 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.

Pursuant to the aforesaid order dated 22.12.2020 passed by this Court, the petitioners as well as respondents No.2 and 3 had appeared before learned Judicial Magistrate 1st Class, Jalandhar and got their statements recorded on 29.01.2021. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 05.02.2021 with regard to the compromise effected between the parties to the effect that the parties have entered into compromise with free will and without undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Muni Devi. She has already made a statement before learned Magistrate in support of the compromise on 29.01.2021, which reads as under:

“Stated that case FIR No.41 dated 17.04.2019 under sections 323, 354-B, 452/34 IPC, Police Station Division No.5, Jalandhar was registered on my statement against Bhola Kushwaha son of Sarjug Kushwaha and Deepak Kushwaha son of Bhola Kushwaha both residents of H. No.1, Street No.4, near Gatta Factory, Ujala Nagar, Basti Sheikh, Jalandhar. Now with the intervention of respectables, a compromise has been effected between the parties. I have seen the original compromise deed dated 02.12.2020, on which I identify my signatures, copy of the same is Ex.C1. This compromise has been effected by me voluntarily with my free will and consent and without any pressure, coercion or undue influence from any quarter. I have no objection if the abovesaid case FIR is quashed with all

consequential proceedings. I have brought my Aadhar Card, true copy of the same is Ex.C2 .”

Similarly, respondent No.3 Rohit Kumar, who is injured in the case, has made a separate statement in support of compromise before learned Magistrate on 29.01.2021.

Learned State counsel and learned counsel for respondents No.2 and 3 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 petitioners 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 FIR No.41 dated 17.04.2019 under Sections 323, 354-B and 452 read with Section 34 IPC registered at Police Station Division No.5, Jalandhar, District Jalandhar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 02.12.2020 (Annexure P-2).

March 31, 2021
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No