

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

281

CRM-M-3924 of 2022
Date of decision:17.05.2022

Surjit Singh

... Petitioner

Vs.

Prabhjot Kaur

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Abhishek Singla, Advocate
for the petitioner.

Mr. Shubham Gupta, Advocate
for the respondent.

SUVIR SEHGAL, J. (Oral)

On 11.02.2022, this Court passed the following order:-

“Heard through video conferencing.

“Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of Criminal Complaint No.6 dated 08.02.2017 (CNR No.PBBTA1-000133-2017 AND CIS: COMI/133/2017), Annexure P-2, registered for offences under Sections 354, 354-A and 509 of the Indian Penal Code, 1860, along with all subsequent proceedings arising therefrom, on the basis of compromise deed dated 24.11.2021, Annexure P-3.

Counsel for the petitioner submits that the complaint, Annexure P-2, has been lodged by the respondent due to some

misunderstanding amongst the petitioner and the respondent, who are employees in the same office and the dispute has been settled by virtue of compromise, Annexure P-3. It has been submitted that on similar allegations, FIR No.20 dated 14.02.2016 was lodged by the complainant under Section 354-A, IPC at Police Station Raman, District Bathinda, which has also been compromised and this Court vide order dated 14.12.2021, Annexure P-5, has directed the parties to record their statements, which has been done.

Notice of motion.

Mr. Subham Gupta, Advocate accepts notice on behalf of complainant-respondent, who is present through the medium of video conferencing. He has admitted the factum of compromise as well as the statement made by the counsel for the petitioner.

The parties and the Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 05.04.2022 or on any date within a fortnight thereafter as fixed by the trial Court, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit a report on or before the next date of hearing specifying the following:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*

2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;

3. the stage of trial/proceedings;

4. if the compromise is genuine, voluntary and out of free will of the parties;

5. whether any other criminal case is pending against the accused.

Report of the Illaqa Magistrate/trial Court be awaited for 17.05.2022.”

Counsel for the petitioner submits that FIR No.20 dated 14.02.2016 lodged by the complainant under Section 354-A IPC at P.S.Raman, District Bathinda has been quashed on the basis of the same compromise, vide order dated 31.03.2022 passed by this Court in CRM-M-52131 of 2021.

In compliance of the above reproduced order, report has been received, relevant extract of which is as under:-

“3. It is submitted that as per record, there is only one accused in the present complaint, who is the petitioner in the present petition. No other person is involved in the present complaint except above said accused/petitioner nor any accused has been declared proclaimed offender. Prabhjot Kaur is only complainant/aggrieved person in the present complaint. The complaint is pending for pre-charge evidence of the

complainant. As per statement of ASI Gora Singh and accused, no other case is pending against accused Surjit Singh, except the present complaint.

4. It is further humbly submitted that as per the statements of the parties, the compromise effected between the parties is voluntary and without any pressure.”

Complaint (Annexure P-2) is an outcome of misunderstanding between the colleagues, which has been settled by compromise (Annexure P-3). FIR lodged on same set of allegations has been quashed by this Court in separate proceedings.

In view of the above background, report of the Trial Court and the judgment of the Supreme Court in **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641**, petition is allowed. Complaint No.6 dated 08.02.2017 (CNR No.PBBTA1-000133-2017 AND CIS: COMI/133/2017), Annexure P-2, under Sections 354, 354-A and 509 of the Indian Penal Code, 1860 and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

May 17, 2022

savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>