

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

271

CRM-M-6969 of 2021
Date of decision:17.05.2022

Seema Chopra and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vivek Singla, Advocate
for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Vikasdeep Singh, Advocate for
Mr. Shubham Mehta, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 15.02.2021, this Court passed the following order:-

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

Instant petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.93 dated 01.05.2020, registered under Sections 452, 354, 354-A, 323, 188, 269, 270, 34 IPC at Police Station Canal Colony, Bathinda, District Bathinda (Annexure P-1) on the basis of panchayti compromise dated 22.12.2020 (Annexure P-2).

Counsel for the petitioner has contended that the FIR is

the outcome of an altercation which ensued between the parties and in the incident the shirt of the complainant got torn. He submits that ingredients of the offence under Sections 354 and 354-A IPC are not fulfilled as there was no intention to outrage the modesty of the complainant. He has referred to para 8 of the petition to submit that none of the petitioners have been declared as proclaimed offender.

Notice of motion.

On asking of the Court, Mr.H.S.Multani, AAG Punjab accepts notice on behalf of State-respondent No.1. He seeks and is granted time to file reply.

Mr.Shubham Mehta, Advocate has put in appearance on behalf of complainant-respondent No.2. He has admitted the factum of compromise effected between the parties.

The parties are directed to appear before the Illaqa Magistrate/trial Court on 23.03.2021 for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit the report on or before the next date of hearing. The report be forwarded to this Court 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.

Report of the Illaqa Magistrate/trial Court be awaited for 04.05.2021.

Report has been received from the Trial Court pursuant to above reproduced order and its relevant extract is as under:-

“1. The total number of accused arraigned in the FIR is four, namely, Seema Chopra, Mansha, Raghav and Pardeep Kumar, i.e., the petitioners. All the four accused have appeared before the Court and have made statement. None of the accused is absconding/P.O in the case;

2. the name of the complainant-aggrieved is Reetu Rani alias Ritu Rani. She is the sole aggrieved and has appeared and made her statement in support of the compromise;

3. the case is at investigation stage and is pending for awaiting the Police Report under Section 173 Cr.P.C.;

4. the compromise between the parties is genuine, voluntary and out of free will of the parties.”

FIR (Annexure P-1) is a result of minor dispute between the parties, which is purely personal in nature and has been settled by virtue of compromise, Annexure P-2. It has been submitted by the State counsel upon

instructions from ASI Iqbal Singh, that none of the petitioners have any criminal antecedents.

In the above backdrop, report of the Trial Court and the judgments of the Supreme Court in **Narinder Singh and others Vs. State of Punjab and another (2014) 2 RCR (Criminal) 482** and **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641**, this Court has no reservation in quashing the criminal proceedings.

Accordingly, the petition is allowed. FIR No.0093 dated 01.05.2020, registered under Sections 452, 354, 354-A, 323, 188, 269, 270, 34 IPC at Police Station Canal Colony, Bathinda, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

May 17, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes