

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(118)

CRM-M-6575-2020 (O&M)
Date of Decision:- 04.05.2022

Gurpreet Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sukhdeep Singh, Advocate for the applicant-petitioner.

Mr. A.S.Gill, Senior DAG, Punjab for the State-respondent No.1.

Ms. Bhanvi, Advocate for

Mr. Phillip I.K. Kumar, Advocate for the respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-14706-2022

Prayer in the application is for preponement of the hearing of main case, which is fixed for 16.09.2022.

Noticing the prayer made in the application, it is allowed.

Hearing of the main case is preponed to today and is ordered to be taken up on Board.

Main case

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.121 dated 17.12.2019, registered for offence under Section 354-A of the Indian Penal Code, 1860, at Police Station Anandpur Sahib, District Rupnagar, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 26.12.2019, Annexure P-2, arrived at between the parties.

Counsel for the petitioner submits that the petitioner had a monetary dispute with complainant-respondent No.2 and he had instituted a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short "N.I. Act") against her, which was pending. Counsel submits that it has been alleged by the complainant that on 16.12.2019 when she called the petitioner on his mobile, hot words were exchanged and the petitioner used abusive language against her. Counsel submits that the dispute between the parties is primarily civil in nature and by virtue of compromise, Annexure P-2, not only the monetary dispute has been resolved, but even the present criminal matter has been settled. He submits that pursuant to order passed by this Court, the parties have appeared before the Trial Court and their statements have been recorded in support of the compromise.

Upon instructions received from ASI, Ram Avtar, State counsel submits that the matter is under investigation. Counsel representing respondent No.2 has admitted the factum of compromise as well as the statement made by the counsel for the petitioner.

Heard counsel for the parties.

Vide order dated 01.04.2021, this Court directed the parties to appear before the Trial Court and to get their statements recorded on the following counts:-

- "1. Number of persons arrayed as accused in FIR.*
- 2. Whether any of the accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other case or not.*
- 5. Current stage of the case."*

Report has been received and its relevant extract is as under:-

“From the above, the following point wise report is submitted as desired please:

- 1. As per statement of the I.O. and concerned Ahlmad, there is only one accused arrayed in the present FIR namely Gurpreet Singh;*
- 2. As per statement of the I.O. in the present case, the accused has not been declared as proclaimed person;*
- 3. From the statements of accused and complainant recorded on 27.04.2021 in the Court, this Court is of the view that compromise is genuine, voluntarily and out of free will of parties.*
- 4. As per statement of the I.O., the present accused is not involved in any other case;*
- 5. As per statement of concerned Ahlmad, in the present case the challan has not been presented till date and only FIR has been received in the Court.”*

FIR, Annexure P-1, is an outcome of a petty dispute, which has been settled. Perusal of the allegations levelled in the FIR shows that the ingredients of Section 354-A, IPC are not fulfilled. As the parties have decided to bury the hatchet, this Court is of the view that continuation of the criminal proceedings would be an exercise in futility and the same deserve to be set aside.

Accordingly, the petition is allowed. FIR No.121 dated 17.12.2019, registered for offence under Section 354-A of the Indian Penal Code, 1860, at Police Station Anandpur Sahib, District Rupnagar, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

04.05.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No