

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

Sr. No.259

CRM-M-19635-2023 (O&M)
Date of decision : 14.12.2023

Harbans Lal

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Jagjot Singh, Advocate, for the petitioner.

Mr. G.S. Sandhu, DAG, Punjab

Mr. Sachin Mankash, Advocate for
Mr. Gurinder Dhillon, Advocate, for respondent No.2.

HARPREET KAUR JEEWAN, J. (Oral)

The present petition under Section 482 Cr.P.C. has been filed for quashing of FIR No.116 dated 19.10.2021, under Sections 354, 354-A & 354-B IPC, registered at Police Station Moonak, District Sangrur, Punjab on the basis of compromise dated 27.02.2023 (Annexure P-2) arrived at between the parties.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner and the complainant-respondent No.2 have amicably settled the dispute between them and a compromise deed dated 27.02.2023 (Annexure P-2) has also been executed between them.

3. The FIR was registered against the petitioner on the statement of respondent No.2 with the allegations that on 18.10.2021, she was not feeling well and she came to clinic of the petitioner to get herself examined and while examining her, the petitioner intentionally touched her private

4. Thereafter, vide order dated 21.04.2023 passed by a coordinate Bench of this Court, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of the statements.

5. In pursuance of the order dated 21.04.2023, report dated 29.07.2023 from Ms. Indu Bala, PCS, Sub Divisional Judicial Magistrate, Moonak, Sangrur, Punjab has been received, verifying that the compromise between the parties is without any undue influence or pressure. She has further verified that the FIR was registered only against the petitioner and none of the accused has been declared as proclaimed offender. It is also verified that as per the statement of the investigating officer-ASI Amarjit Kaur, no other criminal case is pending against the petitioner.

6. Hon'ble the Full Bench of this Court in **Kulwinder Singh and others Vs. State of Punjab and others, 2007 (3) RCR (Criminal) 1052**, has held that the High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offences and quash the proceedings where the High Court is of the opinion that it is required to prevent the abuse of process of law or otherwise to secure the ends of justice.

7. The matter was registered at the instance of a patient against the Medical Practitioner alleging that an inappropriate touch was made. However, there are no allegations of Section 376 IPC. Keeping in view the facts of the FIR and that the complainant does not want to pursue with further prosecution in the FIR, it is in the interest of justice that the criminal proceedings be quashed.

8. Consequently, the present petition is allowed and FIR No.116 dated 19.10.2021, under Sections 354, 354-A & 354-B IPC, registered at

proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

9. Pending miscellaneous application(s), if any, also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

14.12.2023
Ramandeep Singh

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No