

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

301

CRM-M-9854-2023 (O&M)
Date of decision: 07.03.2024

GURJINDER SINGH

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Mayank Mathur, Advocate
for the petitioner.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

Ms. Arjun Kapur, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.190 dated 07.09.2022, under Section 376 IPC, registered at Police Station Civil Lines, District Patiala (Annexure P-1), on the basis of compromise dated 27.01.2023 (Annexure P-2) arrived at between the parties.

[2] Status report by way of affidavit of Sanjeev Singla, PPS, Deputy Superintendent of Police, City-1, District Patiala has been filed on behalf of respondent-State, which is taken on record.

[3] Learned counsel for the petitioner *inter alia* contends that at the time of registration of the present FIR, the prosecutrix was 27 years old, however later on both the petitioner as well as complainant-respondent No.2 had got married to

their respective partners and are settled in their matrimonial life. He further contends that compromise dated 27.01.2023 (Annexure P-2) has been executed between the parties, as such respondent No.2 does not want to take any action in the present FIR.

[4] Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties.

[5] On 27.02.2023, the parties were directed to appear before the trial Court/Duty Magistrate for recording of their statements regarding the compromise.

[6] As per the report dated 26.04.2023, received from the Judicial Magistrate, Ist Class, Patiala through the District & Sessions Judge, Patiala, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioner has not been declared as "Proclaimed Offender" and he is not involved in any other criminal case.

[7] Learned State counsel has not raised any objection regarding the acceptance of the present petition. He has verified the fact that the statements of the petitioner and respondent No.2 have been recorded, which is appended with the status report as Annexure R-1/T and R-2/T. He has also verified that both the petitioner as well as prosecutrix are happily married in their respective families and living with their respective spouses.

[8] Keeping in view the facts and circumstances of the case and the fact that the compromise between the parties is genuine and voluntarily made and in view of the ratio of the decision of Hon'ble Apex Court in **Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543** and the decision of Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab**

and others 2007 (3) RCR (Criminal) 1052, the ends of justice would meet if the FIR and consequential proceedings are quashed by accepting the compromise between the parties.

[9] Consequently, this petition is allowed and FIR No.190 dated 07.09.2022, under Section 376 IPC, registered at Police Station Civil Lines, District Patiala and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[10] However, the respondent No.2 and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise (Annexure P-2) are violated.

[11] Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

07.03.2024
P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No