



289 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12383-2024
DATE OF DECISION:-09.05.2024

Sushil Kumar Dhingra and others ...Petitioners..

vs.

State of Punjab and another ...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Mandeep Singla, Advocate,
for the petitioners.

Mr. Siddharth Sandhu, AAG, Punjab.

Mr. H.S. Rajput, Advocate for
Mr. Jasandeep Singh, Advocate,
for respondent No.2.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.141, dated 13.06.2019, registered under Sections 370, 509, 355, 342, 323, 506 and 120-B IPC and Sections 75, 79, 81, 87 of Juvenile Justice (Care and Protection Children Act) 2015 (for short, “2015 Act”) and under Section 16 of Bonded Labour (Abolition) Act, 1976, Section 14 of Child Labour Prohibition and Regulation) 1986 registered at Police Station Sirhind, District Fatehgarh Sahib (Section 370 IPC and Section 81 of 2015 Act, have been deleted) (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of compromise

dated 12.05.2023 (Annexure P-7).

2. As per the allegation levelled in the FIR, the petitioners forcibly making a minor girl child i.e. respondent No.2 to do child labour/bonded labour forcibly in their house by assaulting and torturing her since last two years.

3. In pursuance of order dated 14.03.2024 passed by this Court, whereby parties were directed to appear before the Trial Court for getting their statements recorded as regards the veracity of compromise arrived at between them, report dated 18.04.2024 has been received from the concerned Court, stating that compromise so arrived at between them appears to be genuine, voluntary and without any coercion or undue influence and out of their free will. However, the complainant Sh. Harbhajan Singh, Child Development Project Officer, Fatehgarh Sahib is not a party to the said compromise. No accused has been declared as proclaimed offender.

4. Once, the compromise has been arrived at between the parties without any pressure and respondent No.2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; there does not appear to be any impediment as regards quashing of present FIR qua the petitioners. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

5. The parties having settled their dispute so as to live in peace in

future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the Trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***

6. Moreover, learned counsel for the petitioners on instructions from his clients, submit that they volunteer to serve public cause by providing one (01) ECG Machine to Civil Hospital, Fatehgarh Sahib

7. Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, FIR No.141, dated 13.06.2019, registered under Sections 370, 509, 355, 342, 323, 506 and 120-B IPC and Sections 75, 79, 81, 87 of Juvenile Justice (Care and Protection Children Act) 2015 (for short, “2015 Act”) and under Section 16 of Bonded Labour (Abolition) Act, 1976, Section 14 of Child Labour Prohibition and Regulation) 1986 registered at Police Station Sirhind, District Fatehgarh Sahib (Section 370 IPC and Section 81 of 2015 Act, have been deleted) (Annexure P-1) as well as all subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

8. Accordingly, petition stands allowed, however, subject to providing one (01) ECG Machine to the Civil Hospital, Fatehgarh Sahib, within a period of two weeks from today as volunteered by the petitioners against due receipt issued by the concerned Civil Surgeon, who shall prepare an inventory in this regard for its regular inspection by the Director

concerned. A copy of the receipt shall also be sent to the office of Advocate General, Punjab at the earliest for maintaining records in this regard.

09.05.2024
sonika

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No