



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15442 of 2024
DATE OF DECISION: 31.07.2024

Fariad Ali and othersPetitioners

VERSUS

State of Punjab and anotherRespondents

CORAM HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present Mr.Kanwaljeet Singh Derabassi, Advocate,
for the petitioners.

Mr.Rishabh Singla, AAG, Punjab.

Mr. Rajinder Yadav, Advocate, for respondent no.2.

HARPREET SINGH BRAR, J (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.0376 dated 26.06.2021 registered under Sections 363/366-A/323/341/506/148 of Indian Penal Code at Police Station Zirakpur, District SAS Nagar (PB) Annexure P-1 and all subsequent proceedings arising therefrom in view of the compromise dated 11.03.2024 (Annexure P-5).
2. The following order was passed on 05.04.2024:-

“This petition has been filed for quashing of FIR No.0376 dated 26.06.2021 registered under Sections 363 / 366-A /323 /341 /506 /148 /149 of IPC at Police Station Zirakpur, District SAS Nagar, Punjab along with all consequential proceedings arising therefrom, on the basis of compromise dated 11.03.2024 (Annexure P-5) arrived at between the parties.

Counsel for the petitioner has mentioned in memo of parties of the petition that the petitioners have not been declared as proclaimed persons.

Notice of motion.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab accepts notice on behalf of respondent No.1-State and Mr. Rajinder Yadav, Advocate accepts notice on behalf of respondent No.2 and has filed his



vakalatnama. The same is taken on record. He has admitted the factum of compromise effected between the parties.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 23.04.2024 or any other future date as per its convenience or on request of the parties for getting their statements recorded with regard to the compromise. However, it is made clear that no further adjournment shall be granted to the parties for that purpose. The Illaga/Duty Magistrate 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/proclaimed persons, 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 pending;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. Whether any other criminal case pending against the accused.*

Report of Illaqa/Duty Magistrate be awaited for 23.05.2024.”

3. Learned counsel for the petitioners submits that respondent no.3 is the uncle of the victim / prosecutrix who was opposing the consensual relationship between the petitioner no.1 and respondent no.2. He further submits that respondent no.3 is a shepherd and returns home periodically after taking his live stock to different places to act for his living as such he is not able to file his fresh address. It is further contended that victim / prosecutrix is the only person who is required to give her consent for quashing of the FIR in question. It is further submitted that respondent no.2 was major at the time of incident and she has specifically stated in her statement made before the jurisdictional Magistrate who recorded the statement under Section 164 Cr.P.C that she herself went with petitioner no.1 and performed marriage with him and his maternal uncle i.e respondent no.3 is only informant and he is not affected in any way if the FIR in question is quashed. Further reliance has been placed upon



the Marriage Certificate dated 25.06.2021 as well as Cancellation Report dated 26.04.2022 (Annexures P-3 and P-4) respectively.

4. Leaned counsel for respondent no.2 affirms the factum of marriage between the parties and learned State counsel submits that the petitioner and respondent no.2 have performed marriage.

5. Having heard the learned counsel for the parties and from the perusal of record, it transpires that petitioner no.1 and respondent no.2 are living together happily as husband and wife and in view of the judgment passed by this Court in Angrej Singh v. State of Punjab 2016(3) RCR (Crl.) 753, the FIR under Sections 363 and 366-A IPC can be quashed on the basis of compromise. Respondent no.2 is the only victim and respondent no.3 is the maternal uncle of the victim who is only an informant and he has no surviving interest in the matter. The jurisdictional police authorities have also presented the cancellation report on 26.04.2022.

6. The parties were directed to record their statements before the concerned Jurisdictional Magistrate and in compliance of the above order, a report dated 23.05.2024 has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

7. In view of the compromise and the ratio of law laid down by this Court in Angrej Singh's case (supra), this petition is allowed and FIR No.0376 dated 26.06.2021 registered under Sections 363/366-A/323/341/506/148 of Indian Penal Code at Police Station Zirakpur, District SAS Nagar (PB) Annexure P-1 and all subsequent proceedings arising therefrom in view of the compromise dated 11.03.2024, qua the petitioners.

31.07.2024
mamta

(HARPREET SINGH BRAR)
JUDGE

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