



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

302

CRM-M-26596-2024 (O&M)
Date of decision: 09.07.2024

LOVEPREET SINGH ALIAS FAUJI

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

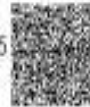
Present : Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. D.B. Singh, Sr. DAG, Punjab.

HARPREET KAUR JEEWAN, J.

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0132 dated 18.08.2021, under Sections 376, 506 IPC registered at Police Station Gidderbaha, District Sri Muktsar Sahib (Annexure P-1), on the basis of compromise/affidavit dated 08.05.2024 filed on behalf of respondent No.2 (Annexure P-2).

[2] Learned counsel for the petitioner *inter alia* contends that the FIR was registered at the instance of respondent No.2 due to a misunderstanding between the parties. He further contends that the matter has been settled between the petitioner and respondent No.2 and compromise/affidavit dated 08.05.2024 (Annexure P-2) has been executed by respondent No.2 in this regard. The matter stands settled between the parties, as such respondent No.2 does not want to take



any action in the present FIR.

[3] Ms. Surbhi Yadav, Advocate has put in appearance on behalf of respondent No.2 and filed her power of attorney, which is taken on record. She has confirmed the factum of compromise between the parties.

[4] Learned State counsel has not raised any objection regarding the acceptance of the present petition.

[5] On 24.05.2024, the parties were directed to appear before the trial Court/Illaqa Magistrate for recording of their statements regarding the compromise by passing the following order:

“Learned counsel for the petitioner *inter alia* contends that the complainant is a 26 years old lady and was in a consensual relationship with the petitioner. He further submits that the petitioner has been falsely implicated in the present case regarding which the complainant/respondent No.2 has also made a complaint and when police inquired into the matter and presented the cancellation report before the learned trial Court, all the allegations were found to be false. Now, both the parties have entered into a compromise. He further relies upon the judgment of the Hon’ble Supreme Court in ‘*Kapil Gupta Vs. State of NCT of Delhi and others*’ 2022 (4) RCR (Criminal) 497.

Notice of motion for 09.07.2024.

At this stage, on the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of respondent No.1-State and Mr. Sukhmeet Singh, Advocate accepts notice for respondent No.2 and files his memorandum of appearance and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day. Learned counsel for respondent No.2 is directed to file his power of attorney on or before the next date of hearing.

Service is complete.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaqa Magistrate within two weeks from today or any other date convenient to the trial Court/Illaqa Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaqa Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 09.07.2024.

A copy of the order be sent to learned trial Court/Illaqa Magistrate through fax for compliance.”

[6] As per the report dated 13.06.2024 received from Sub Divisional Judicial Magistrate, Gidderbaha forwarded through the office of District and Sessions Judge, Sri Muktsar Sahib, compromise effected between the parties is



genuine, voluntary and without any coercion or undue influence. As per the statement of concerned Investigating Officer-ASI Guriqbal Singh, no PO proceedings are pending against any of the party.

[7] Keeping in view 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.

[8] Consequently, this petition is allowed and FIR No.0132 dated 18.08.2021, under Sections 376, 506 IPC registered at Police Station Gidderbaha, District Sri Muktsar Sahib (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[9] 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 are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

09.07.2024
P.Bhatt

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