



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

292

CRM-M-52163-2022 (O&M)
Date of decision: 18.07.2024

AJAY SINGH ALIAS LAVI ALIAS LABHI

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Manbir Singh Basra, Advocate
for the petitioner.

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

Mr. Amtiaz Sandhu, Advocate for
Mr. Gurnoor Singh, Advocate
for respondents No.2 and 3.

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.219 dated 22.10.2021, under Sections 363, 366 IPC (Section 207 of Motor Vehicles Act, 1988 added later on) registered at Police Station Sadar Dhuri, District Sangrur (Annexure P-1), on the basis of compromise deed dated 22.09.2022 (Annexure P-2) executed between the parties.

[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 petitioners and respondent No.2 and compromise deed dated 22.09.2022 (Annexure P-2) has been executed between the petitioner and respondent No.2. The matter stands settled between the parties, as such respondents No.2 and 3 do not want to take any action in the present FIR.

[3] Learned counsel for respondents No.2 and 3 has confirmed the factum of compromise between the parties.

[4] Reply by way of an affidavit of Talwinder Singh Gill, PPS, Deputy Superintendent of Police, Sub Division, Dhuri, District Sangrur has been filed on behalf of the respondent-State, which is taken on record.

[5] Learned State counsel has not raised any objection regarding the acceptance of the present petition. While referring to the aforesaid reply, learned State counsel has confirmed that offence under Section 363 IPC was deleted on 17.12.2021 and offence under Section 207 of the Motor Vehicles Act, 1988 was added later on. After completion of the investigation, the final report under Section 173 Cr.P.C. was presented against the accused under Section 366 IPC and Section 207 of the Motor Vehicles Act, 1988. The charges are yet to be framed.

[6] On 19.03.2024, the parties were directed to appear before the trial Court/Illaqha Magistrate for recording of their statements regarding the compromise. The said order reads as under:

“Learned counsel for the petitioner contends that with the intervention of respectables and relatives, the parties have compromised the matter and compromise deed dated 22.09.2022 (Annexure P-2) has been executed between the parties.

As per the FIR, the age of the prosecutrix is 19 years. She was major even on the day of alleged occurrence. Both the parties are residents of same place i.e. Tehsil Dhuri, District Sangrur. As per the FIR, the petitioner enticed away the prosecutrix on the pretext of marriage. No medical examination of the prosecutrix was conducted. As per the status report filed by the State, the statement of the prosecutrix under Section 164 Cr.P.C. was recorded. The victim was asked for her medical examination. However, she has stated that “Ajay Singh did not have any



physical relationship with her, therefore, she does not want her medical examination.”

As per the status report, even in the statement recorded under Section 164 Cr.P.C., the victim has stated that on the day of alleged occurrence at about 2:14 p.m. she left the college and she was waiting for the bus to go home. Then petitioner came on a motor-cycle. Since petitioner was known to her and used to reside in her neighborhood earlier, he stopped and asked for the mobile phone of the prosecutrix on the pretext that he wanted to talk. She got scared and sat on her motor-cycle and thereafter, the petitioner took her towards Naina Devi and then she was brought back by the police officials. The parties are residing in the same place and they have effected the compromise.

Learned counsel for respondent Nos.2 and 3 confirms about the factum of compromise between the parties.

Adjourned to 01.07.2024.

The parties are directed to appear before the trial Court/Illaq Magistrate up-to 15.05.2024 for recording of their statements. After recording the statements of all the accused, victim, complainant and injured, if any, the trial Court/Illaq Magistrate shall send a report to this Court.”

[7] As per the report dated 18.05.2024 received from Sub Divisional Judicial Magistrate, Dhuri forwarded through the office of District and Sessions Judge, Sangrur, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioner has not been declared as proclaimed offender.

[8] 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.

[9] Consequently, this petition is allowed and FIR No.219 dated 22.10.2021, under Sections 363, 366 IPC (Section 207 of Motor Vehicles Act, 1988 added later on) registered at Police Station Sadar Dhuri, District Sangrur (Annexure P-1) 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

18.07.2024
P.Bhatt

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