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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-53000-2024
Date of Decision: 14.02.2025**

Kamal Kumar

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rhythem Bajaj, Advocate
for the petitioner.

Mr. Baljinder Singh, DAG, Punjab.

Ms. Gaganpreet Kaur, Advocate
for respondents No.2 to 4.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of the FIR bearing No.97, dated 10.09.2024, under Section 74 of Bharatiya Nyaya Sanhita (BNS), 2023, registered at Police Station City-2, Abohar District Fazilka (Annexure P-1) along with all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2) arrived at between the petitioner and the complainant.

2. Learned counsel for the petitioner submitted that it is a case where an FIR was registered against the petitioner vide Annexure P-1 whereby an allegation was made by respondent No.2/complainant that she was studying in library, when the petitioner had called her in the office and asked her not to speak in library and tried to pull up her arm by keeping bad eye on her to



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which she raised alarm. Learned counsel further submitted that after the registration of the FIR, the matter has now been compromised between the parties vide Annexure P-2 which is an affidavit duly sworn in by respondent No.2/complainant and submitted that the aforesaid was the only allegation in the FIR but with the intervention of the respectables, the matter has been compromised between the petitioner and respondent No.2/complainant.

3. Learned counsel for the petitioner also submitted that even otherwise also, respondent No.2 is a girl and is also a student and once the misunderstandings have been resolved and the present case does not fall in the category of the heinous or serious offence and therefore, in case the FIR is not quashed, it will have adverse effect upon the life and career of respondent No.2 and similarly, it will also have adverse effect upon the career and life of the petitioner, who is an employee of the age of 29 years and submitted that considering the aforesaid facts and circumstances, even though the present FIR is at the investigation stage, the same may be quashed. He further submitted that in pursuance of the order dated 23.10.2024, both the parties have got recorded their statements before learned JMIC, Abohar and it has been so stated by them before the Court that the compromise has been effected without any coercion or undue influence and with their own voluntariness and therefore, the FIR may be quashed based upon compromise.

4. On the other hand, Mr. Baljinder Singh, DAG, Punjab has submitted that the present FIR is still at the investigation stage and it is correct that the allegation against the petitioner was that he had tried to pull the arm of respondent No.2/complainant and was putting bad eye on her. He however submitted that under the aforesaid provision in which the FIR has been



registered, the allegation is serious in nature.

5. Ms. Gaganpreet Kaur, learned counsel for respondent No.2/complainant has submitted that she has specific instructions to state that after the aforesaid incident was reported to the police, with the intervention of the respectables, the matter has been amicably settled between the petitioner and respondent No.2/complainant. She also submitted that respondent No.2 is a student and is of the age of 25 years and it will be in the interest of respondent No.2 as well, in case the FIR is quashed because it will otherwise effect her career and future life.

6. I have heard the learned counsels for the parties.

7. A Co-ordinate Bench of this Court vide order dated 23.10.2024 had directed learned trial Court for getting the statements of the parties recorded regarding the compromise arrived at between them. Report dated 25.11.2024 has been received from learned Judicial Magistrate Ist Class, Abohar, in which, it has been so stated that the petitioner and respondent No.2/complainant have got their statements recorded and the settlement have been arrived at between the parties amicably and without any pressure or coercion.

8. The law with regard to the quashing of the FIR on the basis of compromise is no longer *res integra*. Hon'ble Supreme Court in “***State of Madhya Pradesh Vs. Laxmi Narayan and others***”, 2019(2) SCC (Crl.) 706 and also in “***Gian Singh Vs. State of Punjab and another***”, 2013(1) SCC (Crl.) 160 and Full Bench judgment of this Court in “***Kulwinder Singh and others Vs. State of Punjab 2007 (3) R.C.R. (Criminal) 1052***,” held that it will be in the interest of justice and to secure the end of justice, the FIR can be



quashed based upon compromise, especially in view of the fact that the subject matter does not pertain to any serious or heinous offence.

9. A perusal of the allegation contained in the FIR and so stated by the learned counsels for the parties would show that the only allegation against the petitioner was that when respondent No.2/complainant was sitting in the library, then the petitioner had pulled up her arm and had put bad eye on her. The matter is still at the investigation stage. The affidavit has been attached which is duly sworn in by respondent No.2/complainant. Apart from the above, respondent No.2/complainant has specifically stated before learned JMIC while recording the statement that with the intervention of respectables, the matter has been settled between them.

10. There is no doubt that the allegation against the petitioner is serious in nature to the extent that as per allegation, he had pulled up the arm of the complainant, but at the same time, this Court is also conscious of the fact that respondent No.2 is a girl and is a student of the age of 25 years and further prosecution of the case would certainly have a prejudicial and adverse effect upon her career and also her future life including her marriage prospects. Once the matter has been settled between the parties, considering the aforesaid allegation this Court is of the view that in order to protect the future life of respondent No.2, it will be rather in the interest of justice that the FIR be quashed and further proceedings be not carried on. This Court is therefore of the view that in order to secure the ends of justice and to prevent the abuse of process of law and in the light of the aforesaid judgments, the present FIR deserves to be quashed based upon compromise.

11. Consequently, the present petition is allowed and FIR bearing



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No.97, dated 10.09.2024, under Section 74 of Bharatiya Nyaya Sanhita (BNS), 2023, registered at Police Station City-2, Abohar District Fazilka (Annexure P-1) with all consequential proceedings arising therefrom, is hereby quashed on the basis of compromise *qua* the present petitioner.

14.02.2025

Bhumika

**(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |