
(2009) 04 P&H CK 0106
In the Punjab And Haryana At Chandigarh

Shiven Sareen

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 20-04-2009

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 323, 34, 354, 452, 506

Citation : (2009) 04 P&H CK 0106

Hon'ble Judges : S.S. Saron, J

Bench : Single Bench

Final Decision : Allowed

Judgement

S.S. Saron, J.—This petition has been filed u/s 482 of the Code of Criminal Procedure (Cr.P.C." - for short) praying for quashing case FIR No. 156 dated 23.7.2007 (Annexure-P.1) registered at Police Station, Model Town, Hoshiarpur for the offences u/s 354, 452, 323, 506 and 34 Indian Penal Code on the basis of compromise dated 14.2.2008 (Annexure-P.2).

2. The FIR in the case has been registered on the statement of Mandeep Kaur (respondent No. 2). It is alleged that a year earlier to the registration of the FIR which was registered on 23.7.2007, she was taking Chemistry tuition from Dr. Vinod Sareen. The petitioner-son of Dr. Vinod Sareen used to keep an evil eye on her. She had warned him also once or twice. On 23.7.2007, at about 5.15 p.m. in the evening she along with Harbhajan Kaur, who does household chores in their house, were present in their house. The main gate of the house was open. Then Shiven (petitioner) and his friend entered the house forcibly. Shiven (petitioner) started teasing the complainant with an evil intention. When she tried to escape, he gave fist blows on her face and eyes. On account of fist blows, the complainant suffered injuries on her face. On hearing her cries, their driver Malkit Singh came. He and Harbhajan Kaur had witnessed the occurrence and they saved the complainant from the petitioner and his friend. The petitioner and Bholu fled from the spot while giving threats to kill her. When the complainant

side chased them then they saw that outside the gate one more young man was waiting for them on a motorcycle and he fled away on his motorcycle. It was requested that legal action be taken.

3. It is submitted by the petitioner that the petitioner and respondent No. 2 met each other at tuition centre. Thereafter, they had a liking for each other and decided to solemnize their marriage amongst themselves. The parents of respondent No. 2 were, however, not agreeable for the marriage and they threatened respondent No. 2 that they would commit suicide if she decided to solemnize her marriage with the petitioner. On account of the alleged insults, the parents of respondent No. 2 had pressurized her to lodge the FIR.

4. Now the matter has been compromised between the petitioner and respondent No. 2. In terms of the compromise dated 14.2.2008 (Annexure-P.2) it is stated that due to misunderstanding Mandeep Kaur (respondent No. 2) got recorded the FIR against the petitioner. Now in the presence of respectables both the parties have settled the matter and in future the parties want to live peacefully. The first party i.e. respondent No.2 has no objection if the FIR is cancelled or quashed.

5. In terms of the affidavit filed by respondent No. 2 in Court today, she has reiterated that the matter has been compromised and now respondent No. 2 does not want to continue with the proceedings. Mandeep Kaur (respondent No. 2) is present in Court and is identified by her counsel. She has stated that she does not want to continue with the proceedings and the FIR may be quashed. It is also stated that she is making statement of her own free will and desire and without any kind of pressure or undue influence of anyone.

6. Learned Counsel for the State has submitted that the FIR is not liable to be quashed. Besides, the fact of compromise has been denied for want of knowledge.

7. After giving my thoughtful consideration to the matter, it may be noticed that the case is at its initial stage. The challan in the case has been filed, however, charge has not been framed. The petitioner, it is submitted, did not appear in the case and non-bailable warrants have been issued.

8. In any case, it may be noticed that the FIR is outcome of an affair which the petitioner and respondent No. 2 are stated to be having. Respondent No. 2 is a major. It is stated by her in Court that her date of birth is 23.4.1989. She has of her own stated that she does not want to continue with the case.

9. Keeping in view the young age and compromise (Annexure-P.2) between the petitioner and respondent No. 2, besides the fact that respondent No. 2 does not want to continue with the case, it would be just and expedient that the impugned FIR is quashed. This would be in the interest of both the parties, who are residents of the same town. Besides, the continuation of the proceedings would not be in the interest of either of the parties and would be an exercise in futility.

10. In the circumstances, the criminal miscellaneous petition is allowed and the

impugned FIR dated 23.7.2007 (Annexure-P.1) and all consequential and subsequent proceedings in pursuance thereof shall stand quashed.