

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M-12291 of 2015

Date of decision: 13.05.2015

Sandeep Singh @ Gori

----Petitioner(s)

V/s

State of Punjab & another

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. C.L. Pawar, Advocate for the petitioner.

Mr. Sultan Singh Gill, DAG, Punjab.

Mr. S.K. Virk, Advocate for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition is for quashing of FIR No. 46, dated 20.03.2015, for offence under Section 376 of IPC and Section 4 of Prevention of Sexual Offences Children Act, 2012 registered at Police Station, Phase-1, SAS Nagar, Mohali (Annexure P-1), on the basis of compromise dated 04.04.2015 (Annexure P-2).

This Court vide order dated 29.04.2015, had directed the parties to appear before the illaqa Magistrate to get their statements recorded and the illaqa Magistrate was directed to submit its report about the genuineness of the compromise, as per the statements of parties so recorded.

Accordingly, the parties have appeared before learned Chief Judicial Magistrate, Mohali, and have got their statements recorded. On the basis of the statements so recorded by the parties, learned Chief Judicial Magistrate, Mohali, submitted his report dated 11.05.2015 to the effect that the compromise entered between the parties is genuine, voluntary and the same has been effected without any coercion and undue influence.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR *qua* the petitioner.

Learned counsel for the petitioner submits that the accused-petitioner, namely, Sandeep Singh @ Gori and the prosecutrix have decided to get married and the formal engagement have also taken place. Learned State counsel also submits that there is no other case registered against the petitioner.

This fact has not disputed by learned counsel for the complainant as well as learned State counsel.

In view of the above, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H) and approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)10 SCC 303, this petition is allowed and FIR No. 46, dated 20.03.2015, for offence under Section 376 of IPC and Section 4 of Prevention of Sexual Offences Children Act, 2012 registered at

Police Station, Phase-1, SAS Nagar, Mohali (Annexure P-1) and all the subsequent proceedings arising therefrom *qua* the petitioner on the basis of compromise, are hereby quashed on the basis of compromise dated 04.04.2015 (Annexure P-2).

In view of the fact that FIR is quashed, the petitioner shall be released from Central Jail, Patiala, if no other case is pending against him. It is made clear that the petitioner shall be released *qua* the present FIR only.

May 13, 2015
Anjal

(HARI PAL VERMA)
JUDGE