

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

CRM-M-1749 of 2014 (O&M)  
Date of decision : 17.07.2015

Purshottam and ors.

...Petitioners

Versus

State of Haryana & ors.

...Respondents

**CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH.**

Present: Mr. S.K. Bawa, Advocate for the petitioners.

Mr. S.S. Pannu, DAG, Haryana.

Mr. Naveen Sharma, Advocate for the respondent No.3.

Mr. Rajesh Bhateja, Advocate for the respondent No.4.

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**R.P. NAGRATH, J. (Oral)**

Prayer in the instant petition is for quashing of FIR No.470 dated 18.12.2013 registered under Sections 363/366-A & 120-B of Indian Penal Code and under Section 18 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Chand-Hut, District Palwal.

I have heard the learned counsel for the parties and perused the paper book.

Respondent No.3 was married with the petitioner No.1 on 23.12.2013. The FIR was recorded by the father of girl on 18.12.2013. In

the meanwhile, father also filed a habeas corpus petition of the girl stating that she was illegally detained by the petitioner for prostitution but the matter was later settled between the parties and Cr.W.P. No.1170 of 2014 was withdrawn.

When the matter was listed on 22.01.2015, the following order was passed:-

*“Prayer in this petition filed under Section 482 Cr.P.C., is for quashing of FIR No.470 dated 18.12.2013, for the offences punishable under Sections 120-B, 363 & 366-A IPC and under Section 18 of the Protection of Children from Sexual Offences Act (Annexure P-1), registered at Police Station Chand-Hut, District Palwal and all the consequential proceedings arising therefrom, on the basis of compromise.*

*Learned counsel for the parties submit that during the pendency of the present petition, both the parties have resolved their all disputes and effected a compromise.*

*Adjourned to 23.03.2015.*

*In the meantime, the affected parties would appear before learned Chief Judicial Magistrate, Palwal on 16.02.2015 for getting their respective statements recorded with regard to compromise. The said Court shall send the copies of the statements and its report in that regard on or before the date fixed by this Court.*

*The complainant-respondent No.4, Bhagat Singh is present in Court with his counsel and he has undertaken to appear before learned trial Court on the date mentioned therein.”*

Initially, the statement of private respondent Nos.3 and 4 and that of petitioner Nos.1, 4 and 5 were recorded by the trial Court but petitioner Nos.2, 3 and 6 did not appear and make statement of compromise.

The Trial Court has now recorded the statements of these petitioners also and sent its report along with original statements. It has been reported by the trial Court that the parties have entered into compromise voluntarily and without any fear or coercion.

According to the learned counsel for the petitioner, girl was major at the time of filing of the FIR.

Learned State Counsel on instructions from HC Satpal states that as per matriculation certificate of respondent No.3 her date of birth is 06.02.1994 and, therefore, on the date of marriage and on the date of recording of FIR, she was major. However, the date of birth of petitioner No.1 was 05.07.1994 at the time of said marriage. There is seemingly violation of provisions of Prohibition of the Child Marriage Act, 2006. However, for the purpose of instant petition which is for offence in FIR under Sections 363/366-A & 120-B of Indian Penal Code and under Section 18 of the Protection of Children from Sexual Offences Act, 2012, no useful purpose will be served in continuing with the proceedings in this case in view of the compromise arrived at between them.

Following the principles laid down by Full Bench Judgment of this Court in Kulwinder Singh and ors. Vs. 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 ors, 2012(10) SCC 303, the present petition is allowed and on the basis of the compromise, FIR No.470 dated 18.12.2013 registered under Sections 363/366-A & 120-B of Indian Penal Code and under Section 18 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Chand-Hut, District Palwal and

consequent proceedings arising therefrom are quashed.

Superintendent of Police, Hissar be directed to take appropriate steps in accordance with law pertaining to violation of the Prohibition of the Child Marriage Act, 2006.

**17.07.2015**

*pawan*

**(R.P. NAGRATH)  
JUDGE**