

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-26916-2014

Date of decision : 16.01.2015

Ram Kumar

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Vikas Gupta, Advocate
for the petitioner.

Mr.Sandeep Kumar Bansal, AAG, Punjab.

None for respondent No.2.

REKHA MITTAL, J.(ORAL)

The petitioner has prayed for quashing FIR No.103 dated 24.06.2014, for offence under Sections 354, 341, 506, 509 of the Indian Penal Code (in short "IPC") and Section 11 of the Protection of Children from Sexual Offences Act 2012 registered in Police Station 'E' Division, District Amritsar on the basis of compromise dated 31.07.2014 (Annexure P2) effected between the parties.

The parties were directed to appear before the Area Magistrate on 16.12.2014 to get their statements recorded with regard to genuineness of compromise.

A report has been submitted by the Additional Chief Judicial Magistrate, Amritsar, wherein it has been reported that statements of the petitioner, respondent No.2 (complainant) and father of the complainant

have been recorded and the statements made by the parties in the Court reveal that they have voluntarily entered into a compromise with an intention to live in peace and harmony.

Counsel for the petitioner contends that alleged victim has already attained the age of majority and her statement has been recorded by the Court below in regard to compromise between the parties. It is further submitted that as per allegations set up in the FIR, the petitioner neither assaulted her modesty nor committed any obscene act. On the contrary, it was alleged that the petitioner had been persuading the complainant to solemnize marriage with him and on her refusal to face consequences.

Counsel for the State has not disputed correctness of assertions of the petitioner that the matter has been settled by way of compromise between the parties.

I have heard counsel for the parties and perused the case file.

A perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases which can be quashed by the High Court, in exercise of its inherent power under Section 482 of the Code. Keeping in view the authoritative enunciation of law laid down by Hon'ble the Supreme Court of India in ***Gian Singh v. State of Punjab and another, 2012(4) R.C.R. (Criminal) 543*** and in the light of facts and circumstances of the present case, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that criminal proceedings are put to an end.

In view of what has been discussed hereinabove, the petition is

allowed and FIR No.103 dated 24.06.2014, for offence under Sections 354, 341, 506, 509 IPC and Section 11 of the Protection of Children from Sexual Offences Act 2012 registered in Police Station 'E' Division, District Amritsar and proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

(REKHA MITTAL)
JUDGE

January 16, 2015.

DK