

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

C.R.M-M No.30001 -2015

Date of Decision : 16.11.2015

Ominder

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. V.P.Arora, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

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

AJAY TEWARI, J. (Oral)

On 11.09.2015 the following order was passed:-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.73 dated 03.06.2014 registered under Sections 363, 365, 376 IPC and Section 6 of the Protection of Children from Sexual Offence Act, 2012 at Police Station Sadar Rupnagar, District Rupnagar and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Notice of motion.

On the asking of the Court, Mr. Ashish Sanghi, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent No.1.

Learned counsel for the petitioner undertakes to supply a copy of the petition to the learned D.A.G during the course of the day.

To come up on 16.11.2015.

Meanwhile, the father of the complainant as well as the complainant are directed to be present before the trial Court on 08.10.2015 or any other date convenient to the Court for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner and send its report before the next date .”

Learned counsel for the petitioner has argued that though it is correct that the alleged prosecutrix was minor yet fact of the matter is that this is a case of run away marriage and the prosecutrix is now living with the petitioner and her parents have reconciled to this fact. He has further pointed out that both the parties are extremely poor and marginalized persons and are working on the brick-kiln. It is stated that though very serious offences have been invoked yet in the peculiar facts and circumstances of the present case the compromise should be allowed.

Learned DAG has accepted all the factual assertions but has asserted that the seriousness of the offence preclude the intervention of this Court by quashing the petition.

In my opinion though the argument of learned DAG cannot be brushed aside lightly yet in the facts and circumstances of the present case where actually the alleged victim and perpetrator have now got married and where the parents of both sides have reconciled to the marriage and have

given blessings to them, the continuation of criminal proceedings between the parties would be an abuse of the process of law and the present compromise is for their benefit and will bring peace and harmony between them. The report of the District and Sessions Judge, Ropar dated 02.11.2015 has been received whereby she has mentioned that the parties had appeared before her and had attested to the fact that a compromise has indeed taken place between them and that the compromise has been executed voluntarily and without any pressure.

Consequently, this petition is allowed and the above said FIR and all consequential proceedings arising therefrom are quashed qua the petitioner.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

November 16, 2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**