

In the High Court of Punjab and Haryana at Chandigarh.

CRM-M-31891-2015

Date of Decision: 16.11.2015

Arun Kumar

...Petitioner

Versus

State of U.T. and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Arun Takhi, Advocate,
for the petitioner.

Ms. Ashima Mor, Advocate, for U.T.

SABINA, J.

Petitioner has filed this petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.278, dated 02.07.2015, under Sections 376 and 506 of the Indian Penal Code, 1860 ('IPC' for short) and Section 4 of the Protection of Children from Sexual Offences Act, 2012 ('of the Act' for short), registered at Police Station Sector 11, Chandigarh and all consequential proceedings arising therefrom.

Learned counsel for the petitioner has submitted that petitioner has performed marriage with respondent No.3. In fact FIR in question was got registered by respondent No.2

on account of some misunderstanding between the parties.

Vide order dated 18.09.2015, Area Magistrate was directed to record the statements of the parties and send its report with regard to genuineness of the compromise effected between the parties.

In pursuance to the said order, the Magistrate, after recording the statements of the parties, has reported that the compromise effected between the parties was with their free will, without any pressure or coercion.

Statements of respondents No.2 and 3 recorded by the trial Court, read as under:-

“Statement of Bala Widow of Late Sh. Dharma, R/o H. No. 1082, Sector 25-D, Chandigarh. (On SA)

I am resident of the above stated address. My daughter namely Beero was engaged to Arun Kumar S/o Sh. Rajinder Singh, R/o H. No. 1064, Sector 25-D, Chandigarh in the month of January 2015 and it was agreed between me and the parents of Arun Kumar that the marriage of Beero, my daughter will be solemnized with Arun Kumar after she attains the age of majority. Therefore due to some misunderstanding I got lodged FIR No. 278 dated 2.7.2015 u/s 376, 506 IPC and Section 4 of POCSO Act at Police Station Sector 11, Chandigarh against Arun Kumar S/o Sh. Rajinder Singh. Since Arun Kumar and we

are neighbours, I have cleared all my misunderstandings with Arun Kumar and his parents and with the intervention of the respectable persons of the society and Panchayat amicably compromised the matter vide compromise dated 16.7.2015. Copy of the compromise dated 16.7.2015 is Exhibited As **Ex.P1**. As per compromise I have solemnized the marriage of my daughter Beero with Arun Kumar S/o Sh. Rajinder Singh on 7.9.2015 according to Sikh Religious Rites and from the date of marriage my daughter Beero is happily residing with Arun Kumar her husband in her in-law's house. Some of the photographs of the marriage are Exhibited as **Ex.P2**. Now I am not left with any grievance against Arun Kumar S/o Sh. Rajinder Singh and I have no objection in case FIR No. 278 dated 2.7.2015 u/s 376, 506 IPC and Section 4 of POCSO Act registered at Police Station Sector 11, Chandigarh is quashed and Arun Kumar is acquitted of all the offences. I have compromised the matter with Arun Kumar and his parents with my freewill, without any pressure or coercion from any corner. I am no more willing to pursue the above stated FIR against Arun Kumar and I have no objection in case the above stated FIR and all subsequent proceedings arising therefrom are quashed by the Hon'ble Punjab and Haryana High Court at Chandigarh.”

“Statement of Beero D/o Smt. Bala, Now W/o Arun Kumar, R/o H. No.1064, Sector 25-D, Chandigarh. (On SA)

I was engaged to Arun Kumar S/o Sh. Rajinder Singh, R/o H. No. 1064, Sector 25-D, Chandigarh in the month of January 2015 and it was agreed between my mother and the parents of Arun Kumar that my marriage will be solemnized with Arun Kumar after I attain the age of majority. Therefore due to some misunderstanding my mother got lodged FIR No. 278 dated 2.7.2015 u/s 376, 506 IPC and Section 4 of POCSO Act at Police Station Sector 11, Chandigarh against Arun Kumar S/o Sh. Rajinder Singh. Since Arun Kumar and we are neighbours, I and my mother have cleared all our misunderstandings with Arun Kumar and his parents and with the intervention of the respectable persons of the society and Panchayat amicably compromised the matter vide compromise dated 16.7.2015. As per compromise my marriage was solemnized with Arun Kumar S/o Sh. Rajinder Singh on 7.9.2015 according to Sikh Religious Rites and from the date of my marriage I am happily residing with Arun Kumar my husband in my in-law's house. My mother has no objection in case FIR No. 278 dated 2.7.2015 u/s 376, 506 IPC and Section 4 of POCSO Act registered at Police Station Sector 11, Chandigarh is quashed and Arun Kumar is acquitted of all the offences. I and my

mother have compromised the matter with Arun Kumar and his parents with our freewill, without any pressure or coercion from any corner. I and my mother are no more willing to pursue the above stated FIR against Arun Kumar and I and my mother have no objection in case the above stated FIR and all subsequent proceedings arising therefrom are quashed by the Hon'ble Punjab and Haryana High Court at Chandigarh.”

Although, in the present case, FIR has been registered under Section 376 IPC but the facts and circumstances of the present case are peculiar. A perusal of statements of respondents No.2 and 3 reproduced above, reveal that the FIR in question was lodged by respondent No.2 against the petitioner due to some misunderstanding between the parties. In-fact, if criminal proceedings are allowed to continue, it will adversely affect the matrimonial life of respondent No.3 daughter of respondent No.2.

Accordingly, this petition is allowed. FIR No.278, dated 02.07.2015, under Sections 376 and 506 IPC and Section 4 of the Act, registered at Police Station Sector 11, Chandigarh and all the consequential proceedings, arising therefrom, are quashed.

November 16, 2015
kapil

(SABINA)
JUDGE