

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

**C.R.M-M No.32375 of 2015
Date of Decision : 05.11.2015**

Gursewak @ Guri

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Gourav Jain, Advocate
for the petitioner.

Mr. S.S. Pannu, D.A.G, Haryana.

Mr. Munfaid Khan, Advocate
for the respondent No.2.

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)

This petition has been filed for quashing of FIR No.25 dated 07.02.2015 registered under Sections 363, 366-A IPC and Section 376 IPC, Sections 4 & 6 of POCSO Act (added later on), at Police Station Jakhal, District Fatehabad alongwith all consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Learned Deputy Advocate General has argued that this is one of those cases where quashing of FIR should not be allowed on the basis of compromise because it is a case where Section 376 IPC and Sections 4 & 6 of POCSO Act have been invoked.

The admitted facts are that daughter of the complainant-respondent No.2 had run away with the petitioner and had even got recorded statement that she had voluntarily gone with him and he had never raped her. However, now she has come back to her family and the petition for quashing of FIR on the basis of compromise has been filed in which her family have quietus. In the circumstances, the issues before this Court are as under:-

- i) Even if this petition is not allowed what is going to be the likely effect of trial;
- ii) Whether this youthful indiscretion of the girl is now forcing her to relive the whole episode and probably be marked as life or otherwise;
- iii) Whether it would be more appropriate for the Court to bring a quietus to this case so that the girl can try and remake her life.

It cannot be denied that the process of trial of the case would not only have a traumatizing effect on the girl but would also mar her future and probably it is for this reason that her family has accepted this petition for compromise.

In the totality of circumstances, I do not deem it appropriate to dismiss this petition. Consequently, this petition is allowed and the above said FIR and all consequential proceedings arising therefrom are quashed

qua petitioner.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

November 05, 2015

ashish

**(AJAY TEWARI)
JUDGE**