

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

CRM No. M-28821 of 2016 (O&M)

Date of decision: 27.10.2016

Rajpal @ Kala

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Abhinav Sood, Advocate,
for the petitioner.

Mr. A.P.S. Gill, AAG, Punjab.

Ritu Bahri, J.

Quashing of FIR No. 146 dated 04.08.2015, under Section 354-A IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 (added later on), registered at Police Station, Civil Lines, Patiala, District Patiala (Annexure P-1), is sought on the basis of compromise dated 07.06.2016 (Annexure P-2).

The F.I.R was registered on the basis of complaint made by Sanjana-respondent No.2, minor daughter of petitioner and respondent No.3, to the effect that on 02.08.2015, at about 10/11 P.M. in the night, her father-Rajpal @ Kala caught hold of her and started pressing her chest. He also moved his hands on her chest. On the next day, she narrated the entire incident to her neighbour Rimpa, who called her mother-respondent No.3 through phone. In this background, the FIR was registered.

During the pendency of trial, the matter has been amicably resolved between the parties vide compromise deed dated 07.06.2016

(Annexure P-2).

In compliance with the order dated 30.08.2016 passed by this Court, parties have got recorded their statements before the trial Court. In this regard, a status report has been received from the Judicial Magistrate Ist Class, Patiala. As per report, Sanjana-complainant (respondent No.2) made her statement on 03.09.2016 to the effect that with the intervention of respectable persons, she has compromised the matter with accused-petitioner out of her own free will and without any pressure or coercion. She has further stated that no overt act was committed with her by her father-petitioner on 02.05.2015. She is peacefully residing with her father (petitioner) and mother-Monika. She has no objection, if the aforesaid FIR is quashed. Statement of Monika wife of Raj Pal (petitioner) and mother of complainant was also recorded on the same date, whereby she has admitted the factum of compromise and specifically stated that she, complainant and accused-petitioner are residing together in the same house. Separate statement of Raj Pal alias Kala-petitioner was also recorded to the same effect. In view of separate statements given by the parties, this court is satisfied that the compromise is valid and genuine one.

Consequently, in view of the status report and the judgment of the Hon'ble Supreme Court in the case of **Madan Mohan Abbot vs. State of Punjab 2008(2) RCR (Criminal) 429**, the law laid down by the Full Bench of this Court in the case of **Kulwinder Singh and Ors. vs. State of Punjab and another 2007(3) RCR (CrI.) 1052**, this Court is of the view that no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No. 146 dated 04.08.2015, under Section 354-A IPC and Section 8 of Protection of Children from Sexual Offences

Act, 2012 (added later on), registered at Police Station, Civil Lines, Patiala, District Patiala, is quashed with all consequential proceedings arising therefrom qua the petitioner.

The petition stands disposed of accordingly.

27.10.2016

ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No