

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

**CRM No. M-31202 of 2015
Date of decision: 15.09.2016**

Manish and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Anter Singh Brar, Advocate,
for the petitioners.

Mr. D.R. Singla, DAG, Haryana.

Mr. B.S. Bali, Advocate,
for respondent No.2.

Ritu Bahri, J.

Quashing of FIR No. 93 dated 25.04.2015, under Sections 323, 354-A, 354-D, 506 IPC and Section 12 of Protection of Children from Sexual Offences Act, registered at Police Station, Pinjore, District Panchkula (Annexure P-1) is sought on the basis of compromise dated 07/14.05.2015 (Annexure P-2) and affidavit dated 07.09.2015 (Annexure P-3).

The F.I.R was registered on the basis of complaint made by Loveleen Chander-respondent No.2 to the effect that on 21.04.2015, she was coming from Government Polytechnic College for Women, Morni. At about 5.30 P.M., in the way, when she along with her friend-Kajal was going to purchase burger from a stall, three boys namely, Manish, Sagar and Akash-petitioners stopped them and started taunting and teasing them. Thereafter, they started following them. In the way also, they continued to tease them. In this background, the FIR was registered.

During the pendency of trial, the matter has been compromised

between complainant-respondent No.2 and the petitioners as per compromise deed dated 07/14.05.2015 (Annexure P-2). In this regard, the complainant gave an affidavit, which is annexed as Annexure P-3.

In compliance with the order dated 15.09.2015 passed by this Court, the parties got recorded their statements before the trial Court. Report from the Additional Sessions Judge, Panchkula, has been received in this regard. As per report, Loveleen Chander-respondent No.2 (complainant) made her statement on 16.09.2015 to the effect that she has compromised the matter with accused-petitioners as per compromise (Annexure PX) at her own will and without any coercion or pressure. She has no objection if, the above said FIR is quashed. She has also given an affidavit (Ex.PY) with regard to the said compromise. Statement of Sunil Kumar, father of complainant Loveleen Chander, was also recorded to the effect that he has entered into a compromise Ex.PZ dated 14.05.2015 with accused Manish, Akash and Sagar-petitioners on behalf of her daughter, who is minor on the date of executing the compromise dated 14.05.2015. Now she has attained the majority and entered into a compromise with the above said accused-petitioners. He has no objection if, the FIR is quashed. Separate statements of Manish, Akash and Sagar-petitioners was also recorded to the same effect. In view of separate statements given by the parties, the court is satisfied that the compromise is valid and genuine one.

The date of birth of the complainant as per Annexure P-4 is 29.06.1997 and the time of registration of FIR i.e. 25.04.2015, she was less than 18 years of age. However, at the time of recording her statement before the trial Court on 16.09.2015, she had attained the age of majority.

Hence, she was major at that time and her statement before the trial Court

that she has compromised the matter with the accused-petitioners with her own will and without any pressure or coercion, is liable to be accepted.

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. 93 dated 25.04.2015, under Sections 323, 354-A, 354-D, 506 IPC and Section 12 of Protection of Children from Sexual Offences Act, registered at Police Station, Pinjore, District Panchkula, is quashed with all consequential proceedings arising therefrom qua the petitioners.

The petition stands disposed of accordingly.

15.09.2016
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No