

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

**CRM No. M-34759 of 2016
Date of decision: 03.12.2016**

Sumit Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Harish Sharma, Advocate,
for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

Ritu Bahri, J.

Quashing of FIR No.111 dated 05.05.2016, under Sections 363/366-A IPC and Section 4 of the Protection of Children from Sexual Offences Act, registered at Police Station, Focal Point, Ludhiana (Annexure P-1) is sought on the basis of compromise dated 25.07.2016 (Annexure P-2) and affidavit dated 08.08.2016 (Annexure P-3).

The F.I.R was registered on the basis of statement made by Saroj Singh-respondent No.2 to the effect that on 30.04.2016, Sumit Kumar-petitioner had enticed away his daughter namely, Manjita Kumar-respondent No.3 on the pretext of marriage. In this background, the FIR was registered.

During the pendency of the investigation, with the intervention of respectable persons, the matter has now been amicably resolved between

the parties vide compromise deed dated 25.07.2016 (Annexure P-2). In this

regard, Manjita Kumari-respondent No.3 has also given her affidavit dated 08.08.2016 (Annexure P-3), stating that on 30.04.2016, she had left her home with her own free will as she wanted to marry Sumit Kumar (petitioner). The present FIR (Annexure P-1), which has been got registered by her father, is not based on proper facts.

In compliance with the order dated 29.09.2016 passed by this Court, parties have got recorded their statements before the trial Court/Illaq Magistrate. Report from the Chief Judicial Magistrate, Ludhiana has been received in this regard. As per report, Saroj Singh-respondent No.2 (complainant) made his statement on 17.11.2016 to the effect that his daughter Manjita Kumar-respondent No.3 had left his house at her own free will and thereafter, got married with Sumit Kumar-petitioner on 30.04.2016 in U.P. Now, he has no objection to the said marriage, as his daughter is residing with Sumit Kumar as his legally wedded wife. With the intervention of respectable persons, he has compromised the matter with accused-petitioner out of her own free will and without any coercion or pressure. He has no objection if, the aforesaid FIR is quashed. Manjita Kumar-respondent No.3 (prosecutrix) has also made a statement that she had left the house of her father and thereafter, solemnized marriage with Sumut Kumar with her own free will and without any pressure. At present, she is residing happily with her husband Sumit Kumar-petitioner in the matrimonial house. She has no objection, if the FIR is quashed. Separate statement of Sumit Kumar-petitioner 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.

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 (Cr1.) 1052**, this Court is of the view that no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No.111 dated 05.05.2016, under Sections 363/366-A IPC and Section 4 of the Protection of Children from Sexual Offences Act, registered at Police Station, Focal Point, Ludhiana, is quashed with all consequential proceedings arising therefrom qua the petitioner.

The petition stands disposed of accordingly.

03.12.2016
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No