

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

**CRM NO. M-5307 OF 2016
DECIDED ON : 28.09.2016**

Joginder Singh

...Petitioner

versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr. Pawan Kumar Sharma, Advocate,
for the petitioner.

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

Ms. Monika, Advocate,
for respondent No.2.

RITU BAHRI, J. (ORAL)

Quashing of FIR No.151 dated 15.08.2015 under Sections 354/354-A/341/506 IPC and Section 4 of POSCO Act registered at Police Station Lalru, District SAS Nagar (Annexure P-1), is being sought on the basis of compromise deed dated 15.09.2015 (Annexure P-2).

The FIR has been registered on the statement made by Hema who stated that on 14.08.2015, her parents had gone to attend some cremation and she along with her younger brother was at home. In the evening, when she was coming back

from the fields after answering the natural call, along with her friend Anu, then Joginder Singh stopped her and said that he was waiting for her for so many days. She further stated that Joginder Singh touched her breast with bad intention and caught her both arms. Her friend Anu stopped her from doing so. The complainant further stated that Joginder Singh used to follow her earlier also. She disclosed the whole episode to her aunt namely Sharni Devi.

Learned counsel for the petitioner submits that offence under Section 4 of the POSCO Act is not made out and at the most it would be Sections 7 and 8 of the POSCO Act for which punishment is less than three years. He further contends that at the stage of investigation, the matter has been compromised vide compromise deed dated 15.09.2015 (Annexure P-2).

In compliance of the order dated 08.07.2016, report of Judicial Magistrate Ist Class, Dera Bassi, has been received in this regard. As per the report, statement of the prosecutrix/respondent No.2 as well as accused have been recorded to the effect that the matter has been compromised with the intervention of respectable. The complainant further deposed that she does not want to proceed with the case further and the compromise is without any pressure, threat or undue influence and she has no objection if the FIR in question is quashed.

Learned State counsel has submitted that date of birth of prosecutrix/respondent No.2-Hema is 08.06.1998. On 21.07.2016, the date when she got recorded her statement

before the trial Court, she had become major and her submission is being accepted. Statement of accused/petitioner has also been recorded to the same effect. The compromise is being accepted as the offence under Section 4 of the POSCO Act is not made out.

Consequently, in view of the status report and in view of the judgment of the Hon'ble Supreme Court in case of **"Dr.Arvind Barsaul etc v. State of Madhya Pradesh and another" 2008 (2) RCR (Criminal) 910**, no useful purpose would be served by prolonging the litigation.

Accordingly, the FIR No.151 dated 15.08.2015 under Sections 354/354-A/341/506 IPC and Section 4 of POSCO Act registered at Police Station Lalru, District SAS Nagar (Annexure P-1) , is quashed along with all consequential proceedings arising therefrom, qua the petitioners only.

The petition stands disposed of.

(RITU BAHRI)
JUDGE

SEPTEMBER 28, 2016

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| 1. | Whether speaking/reasoned ? | YES/NO |
| 2. | Whether reportable ? | YES/NO |