

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

Crl. Misc. No.M-7525 of 2016

Date of Decision: 11.05.2016

Subhash Chander @ Bashi

....Petitioner

Versus

State of Punjab and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. Avtar Singh Bhatti, Advocate
for the petitioner.

Mr. Rupam Aggarwal, D.A.G., Punjab
for the respondent-State.

Mr. Ritesh Pandey, Advocate
for respondents No.2 and 3.

DAYA CHAUDHARY, J.

Prayer in the present petition is for quashing of FIR No.6 dated 23.01.2015 registered under Sections 354-A, 323, 341, 506 IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Bullowal, District Hoshiarpur along with all subsequent proceedings arising therefrom on the basis of compromise arrived at between the parties.

Learned counsel for the petitioner submits that petitioner and respondents No.2 and 3 belong to the same village and due to some misunderstanding, the FIR, in question, was registered at the behest of

respondent No.2. As per allegations in the FIR, the petitioner teased respondent No.3 while returning from school. Subsequently, with the intervention of respectables, the matter between the parties was compromised and respondents No.2 and 3 agreed not to pursue the case against the petitioner.

Learned counsel appearing on behalf of respondents No.2 and 3 has not disputed the factum of compromise arrived at between the parties.

As per directions issued by this Court on 02.03.2016, the statements of the parties were recorded, wherein, the factum of compromise was affirmed. A report to this effect has also been sent by the Additional District and Sessions Judge, Hoshiarpur, wherein, it has been mentioned that the compromise arrived at between the parties is as per their free will and without any pressure from either side. The statements of the prosecutrix as well as father of the victim were also recorded. Respondent No.2-complainant has stated that the matter has been compromised voluntarily, which is without any pressure from either side. The compromise has been signed by victim, her father, Nambardar and Sarpanch of the village. Respondents no.2 and 3 are not interested in continuation of the proceedings initiated against the petitioners as it has been stated by them that the FIR, in question, was registered due to misunderstanding between the parties and the same has been removed subsequently.

Since the dispute between the parties has been settled and the complainant as well as victim are not interested in continuation of the proceedings; moreover, no purpose would be served, in case, the proceedings are allowed to continue as the complainant and victim are not going to support the case of the prosecution because of compromise, the

present petition deserves to be allowed.

A larger Bench of this Court in ***Kulwinder Singh vs State of Punjab 2007(3) RCR (Criminal) 1052*** has also observed that the proceedings can be quashed even in case of non-compoundable offences, in case, the compromise is there between the parties.

By exercising the powers under Section 482 Cr.P.C and by considering the compromise arrived at between the parties and also by following the judgment in ***Kulwinder Singh's*** case (supra), the present petition is allowed. FIR No.6 dated 23.01.2015 registered under Sections 354-A, 323, 341, 506 IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Bullowal, District Hoshiarpur along with all consequential proceedings arising therefrom qua petitioner-Subhash Chander @ Bashi are hereby quashed.

11.05.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE