

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

Crl. Misc. M-19147 of 2017 (O&M)
Date of Decision: September 11, 2017

Paramjit @ Pappa

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. K.S. Sodhi, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG Punjab.

Mr. Hitesh Kaplish, Advocate
for respondent No.2.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.30 dated 03.03.2017 registered under Sections 363, 366-A of Indian Penal Code and Section 8 of POCSO Act at Police Station City Phagwara, District Kapurthala (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise (Annexure P/2).

As per the allegations in the FIR, it was alleged that daughter of the complainant went to take her examination at Kamla Nehru College and after the said examination, the prosecutrix did not return home. Apprehending that she had been taken away by the son-in-law of his elder brother namely Paramjit with an intention to solemnize the marriage, the

FIR was registered. It was alleged that the prosecutrix was 17 years of age.

After the registration of the FIR, a compromise was immediately arrived at on 31.04.2017 wherein, it was decided that both the parties were related and in order for a peaceful and cordial relation between them, all disputes were settled. The parties herein were directed to appear before the concerned court for recording of their statements regarding genuineness of the compromise. In pursuance of the direction, a report has been received from the Addl. Sessions Judge, Kapurthala, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned AAG Punjab, on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the parties and have gone through the record.

Under normal circumstances, this court would not have inclined to quash the FIR registered under Sections 363, 366-A of Indian Penal Code and Section 8 of the POCSO Act, 2012, but under the given facts and circumstances of the instant case, where the statement of the prosecutrix is yet to be recorded and the parties closely related have entered into a compromise, no useful purpose would be served in allowing the proceedings under the FIR to continue. It is also noted that the challan in the instant case has not been set up. In a decision, based on compromise, none

of the parties is a loser. Rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society.

Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and others, (2014) 6 SCC 466**, this petition is allowed and FIR No.30 dated 03.03.2017 registered under Sections 363, 366-A of Indian Penal Code and Sector 8 of POCSO Act at Police Station City Phagwara, District Kapurthala and all subsequent proceedings arising out of the same are quashed.

The petition stands disposed of.

September 11, 2017

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No