

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

**CRM-M-25118-2017
Date of Decision: 09.10.2017**

Mohinder Kumar and another

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Priyanshu, Advocate for
Mr. C. M. Munjal, Advocate
for the petitioners.

Mr. Sidakmeet Sandhu, AAG, Punjab.

Mr. Munish Garg, Advocate
for respondent No. 2/complainant.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 17 dated 22.02.2017, under Sections 363, 366-A and 34 of the IPC; Sections 3 and 4 of the POCSO Act and Section 3 of the SC/ST Act, registered at Police Station City-2, District Abohar and all subsequent proceedings arising therefrom in view of the compromise dated entered into between the parties.

The aforesaid FIR was registered on the basis of the statement of respondent No. 2/complainant with allegations that on 21.02.2017 at about 5.30 PM, his wife Jagwanti and youngest daughter Shallu, aged about 15 years, were present in their house. He alleged that her daughter went out of the house and disappeared. They tried to trace out her but they could not.

He also alleged that he had a strong suspicion over petitioner No. 1 herein that her daughter was taken away by him on the pretext of marrying her. He further alleged that in this incident, Sonu-petitioner No. 2 herein is also involved. Immediately after the registration of the FIR, the minor girl was recovered and produced before the police. Now with the intervention of respectable persons, the dispute has been amicably settled between the parties and they have entered into a compromise.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial Court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Principal Magistrate, Juvenile Justice Board, Fazilka, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same appears to be genuine one. It is also reported that no PO proceeding is pending against either of the petitioners.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer, and learned counsel for respondents No. 2 to 4 admit to the factum of compromise and submit that in case the parties have indeed settled their dispute, they 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 rival parties and gone through the record.

Normally this Court would not be inclined to interfere in a matter pending trial under Sections 363 and 366-A of the IPC read with provisions of the POCSO Act but in the present situation when the minor

girl has been recovered and the parties are loath to carry on with proceedings, it would be in the interest of all concerned to a quietus to the matter. 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. Even otherwise, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak in the matter.

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 & others vs. State of Punjab & another, (2014) 6 SCC 466*, this petition is allowed and FIR No. 17 dated 22.02.2017, under Sections 363, 366-A and 34 of the IPC; Sections 3 and 4 of the POCSO Act and Section 3 of the SC/ST Act and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

09.10.2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No