

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

CRM No. M-317 of 2017 (O&M)

Date of decision: 17.05.2017

Rajwant Singh

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ripu Daman Singh, Advocate, for
Mr. GPS Sandhu, Advocate, for the petitioner.

Mr. K.D. Sachdeva, Addl.A.G., Punjab.

Mr. Saransh Sabharwal, Advocate, for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.84 dated 14.08.2015, under Sections 363/366A IPC and Sections 3/4 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Mamdot, District Ferozepur.

It is submitted that the alleged victim in her statement recorded under Section 164 Cr.P.C. stated that nobody had allured her on the pretext of marriage. She out of her own accord went to visit Dera Beas. The complainant i.e., the father of the alleged victim also made a statement to the effect that the abovesaid FIR was registered due to ignorance of the complete facts and he did not want to proceed further with the said matter. The matter was placed before the Panchayat. The Panchayatnama dated 18.08.2015 is attached as Annexure P-4 with this petition. Cancellation report dated 17.11.2015 was submitted by the investigating agency. The said cancellation report was not accepted by the learned Judicial Magistrate First Class, Ferozepur while observing that the offences in question are not compoundable and the prosecutrix/victim had not appeared before the said

court to clarify the issue. The matter was returned to the concerned Station House Officer for further investigation vide order dated 19.3.2016, Annexure P-3.

Respondent No. 2, the complainant as well as the victim were present before this Court on 14.03.2017. Both of them affirmed the factual position as above. The victim categorically stated that she went to Dera Beas out of her own accord. She was not allured by the petitioner or any one else.

Learned counsel for the petitioner submits that apart from the fact that no offence under the aforementioned provisions is made out against the petitioner, the alleged victim was a major on the date of occurrence. Furthermore, the complainant, her natural guardian agreed that the above said FIR was registered due to a misunderstanding. There is no impediment in the quashing of the aforementioned FIR.

This Court on 14.03.2017 directed the parties to appear before the learned trial Court/ Illaqa Magistrate on 29.03.2017 for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaqa Magistrate was directed to submit a report regarding the genuineness of the Panchayatnama dated 18.08.2015 and whether the statements suffered by the complainant and victim are genuine, voluntary and without any threat, coercion or undue pressure. Learned Illaqa Magistrate/trial court was directed to intimate whether the petitioner is a proclaimed offender and whether any other case is pending against him.

Pursuant to order dated 14.03.2017, the parties appeared before the learned Judicial Magistrate 1st Class, Ferozepur and their statements were recorded on 29.03.2017. The alleged victim reiterated that she was major at the time of occurrence. She went to Dera Beas out of her own accord on a train

along with other Sangat to pay obeisance, without informing any member of her family. The above said FIR was registered due to a misunderstanding and she does not wish to proceed any further in this case. The factum of her presence at Dera Beas was verified by the Panchayat and the matter was settled. Panchayatnama was written and attested on 18.08.2015. The contents of the Panchayatnama have been noted out of her own free will, without any kind of pressure, coercion or undue influence. Respondent No. 2, the complainant has reiterated the above said facts. It is affirmed that he has no objection to the quashing of the aforementioned FIR against the petitioner. Statement of the petitioner in respect to the settlement was also recorded.

As per report dated 19.04.2017, submitted by the learned Judicial Magistrate 1st Class, Ferozepur it is opined that the settlement/ Panchayatnama is genuine and valid, executed out of the free will of the parties, without any threat or pressure. The petitioner is the sole accused in this case and he is not a proclaimed offender and neither are any such proceedings pending against him.

Learned counsel for respondent No. 2 reiterates and reaffirms the factual position as above. Respondent No.2 and the alleged victim, it is submitted, have no objection to the quashing of the aforementioned FIR against the petitioner.

Learned counsel for the State on instructions from ASI Major Singh, Police Station Mamdot, District Ferozepur verifies that cancellation report in this case was presented. In view of the facts and circumstances of the case, he does not raise any objection to the quashing of the above said FIR on the basis of a settlement arrived at between the parties.

Though this court would be hesitant to interfere in a matter involving the offences as above, the peculiar circumstances of the case where

there appears to be a case of genuine misunderstandings on account of the alleged victim proceeding to Dera Beas without informing her family, interference is indeed called for. The alleged victim and the complainant appeared before this Court on 14.03.2017. They suffered their respective statements before the learned Judicial Magistrate 1st Class, Ferozepur. Their statements are found to be genuine, rendered out of their own free will and volition, without any coercion, undue pressure or fraud. The alleged victim was found to be major. Cancellation report was admittedly filed earlier by the investigating agency.

In view of the above, it would be in the interest of justice to quash the abovesaid FIR as no useful purpose would be served by continuance of the present proceedings. It will only lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 84 dated 14.08.2015, under Sections 363/366-A of the IPC and Sections 3/4 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Mamdot, District Ferozepur alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioner.

(LISA GILL)
JUDGE

17.05.2017

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Whether speaking/reasoned : *Yes/No.*
Whether reportable : *Yes/No.*