

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

(Sr. No.283)

CRM-M-44858-2016

Date of Decision:-March 09, 2017

PARWINDER SINGH

.....Petitioner

V/S

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present : Mr. Vipul Dharmani, Advocate for the petitioner.

Mr. D.S.Virk, DAG, Punjab.

A.B. Chaudhari, J. (Oral)

Rule. Heard forthwith with the consent of learned counsel for the rival parties. Counsel for the petitioner has invited my attention to Annexure P-3 dated 18.11.2016 order framing charge under Section 363 IPC and withdrawing the charge under Section 366 and 12 of The Protection of Children from Sexual Offences Act, 2012 in terms of the said order the charge is framed only under Section 363 IPC. Perusal of the said order shows the following facts.

“Perusal of file goes to show that there is statement of alleged victim girl before the Magistrate recorded under Section 164 Cr.P.C, according to which, she did not raise any accusing finger against the accused regarding her abduction by him under with inducement to marry her. Rather, she disclosed before the Magistrate that she herself called the accused to go with her. Thereafter, they jointly travelled 3/4 places and then ultimately the police caught them. She further disclosed before the Magistrate that accused has not committed

any wrong with her at any point of time. She wanted to marry the accused on attaining the age of 18 years. According to her, her father was against her such proposed marriage with the accused. So, keeping in view such circumstances, prima facie, it can not be said that there is any offence under section 366 IPC or section 12 of protection of Children from Sexual offence Act, 2012. Only an offence punishable under section 363 IPC can be said to have been made out which is triable by the court of Judicial Magistrate Ist Class. So, keeping in view these circumstances, charge under section 363 IPC has been framed against the accused.”

The above facts clearly shows that the compounding/compromise can be allowed. Complainant-respondent No.2, father, who is represented by Shri Parmod Kumar Rana, Advocate states that indeed the compromise/compounding has been arrived at.

In that view of the matter since the statements have been recorded by the trial court and in view of the aforesaid order FIR No. 154 dated 09.10.2016 under Sections 363, 366 of Indian Penal Code, 1860 and Section 12 of The Protection of Child From Sexual Offences Act, 2012 registered at Police Station Nangal, Distt. Rupnagar, Punjab is quashed by way of compounding/compromise.

March 09, 2017

Rajeev

**(A.B. Chaudhari)
Judge**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No