

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

**CRM No. M-5867 of 2017
Date of decision: 20.04.2017**

Patrus Masih

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ritesh Pandey, Advocate,
for the petitioners.

Mr. A.P.S. Gill, AAG, Punjab.

Mr. Manjinder Singh Saini, Advocate,
for respondent No.2.

Ritu Bahri, J.

Quashing of FIR No. 116 dated 11.10.2016, under Sections 376, 511, 506 IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station, Dhariwal, District Gurdaspur (Annexure P-1) is sought on the basis of compromise/affidavit dated 21.12.2016 (Annexure P-2).

The F.I.R was registered on the basis of statement made by Manjit Kaur-respondent No.2 (complainant) alleging that on 08.10.2016, when she was returning home after doing work in the house landlord at village Bal, she had seen her daughter-Pallavi (aged about 7 years) in a naked condition, who told her that this act was done by Patrus Masih alias Maddi-petitioner. On seeing the complainant, he ran away from the spot. In this background, the FIR was registered.

A perusal of the FIR shows that the parties are close relatives

and they belong to the same village. The petitioner used to visit the house of complainant.

During the pendency of investigation, the matter has been amicably resolved between the parties. In this regard, complainant-respondent No.2 has given her affidavit dated 21.12.2016 (Annexure P-2).

Vide order dated 22.02.2017 passed by this Court, parties were directed to get their statements recorded before the trial Court/Illaq Magistrate. As per report dated 23.03.2017 received from the Chief Judicial Magistrate, Gurdaspur, statement of Pallavi (victim), aged about 08 years, was recorded on 22.03.2017, but she was unable to answer any query put by the Court. However, Manjit Kaur-respondent No.2 (complainant) made her statement on 08.03.2017 to the effect that with the intervention of respectable persons, she has not compromised the matter with the accused-petitioner out of her own free will and without any coercion or pressure. She has no objection, if the aforesaid FIR is quashed. Statement of Patras Masih-petitioner was also recorded to the same effect. In view of the statements made by the parties, this Court is satisfied that the dispute has been resolved between the parties and the compromise is valid and genuine one.

Keeping in view the age of the minor child, statement made by complainant-Manjit Kaur with regard to compromise on her behalf is accepted.

Consequently, in view of the status report and the judgment of the Hon'ble Supreme Court in the case of **Madan Mohan Abbot vs. State of Punjab 2008(2) RCR (Criminal) 429**, the law laid down by the Full Bench of this Court in the case of **Kulwinder Singh and Ors. vs. State of Punjab and another 2007(3) RCR (CrI.) 1052**, this Court is of the view

that no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No. 116 dated 11.10.2016, under Sections 376, 511, 506 IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station, Dhariwal, District Gurdaspur, is quashed with all consequential proceedings arising therefrom qua the petitioner.

The petition stands disposed of accordingly.

20.04.2017

ajp

(RITU BAHRI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No