

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

**Criminal Misc. No. M-6777 of 2017
Date of Decision:-24.07.2017**

Sushil Gupta and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Aman Sharma, Advocate
for the petitioners.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Sarvesh Malik, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.163 dated 3.9.2016, under Sections 24 and 26 of the Juvenile Justice (Care and Protection of Children) Act, 2000, registered at Police Station Sector 14, Panchkula (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise deed dated 16.2.2017 (Annexure P-2).

Vide order dated 01.3.2017, this Court had directed the parties to appear before the Illaqa Magistrate/trial Court on 14.3.2017 to get their statements recorded in support of the compromise and the learned

Magistrate was directed to forward a report about the genuineness of the compromise to this Court.

Learned counsel for the petitioners states that complainant-Reema is a major and in support of this fact her ossification test was conducted by the Civil Surgeon, Panchkula dated 13.1.2017. As per the said certificate dated 13.1.2017 (Annexure P-4) the complainant Reema was examined by the Radiologist, Dental Surgeon and Forensic Expert of General Hospital, Panchkula. On the basis of the report of Radiologist, Dental Surgeon and Forensic Expert of General Hospital, Panchkula, the age appearance of the complainant is in between 21-25 years, therefore, she is not a juvenile.

In compliance of order dated 12.5.2017, learned State counsel has filed the short reply by way of affidavit of Ram Kumar, Assistant Sub Inspector of Police, Police Post, Sector 16, Panchkula. Same is taken on record. Learned State counsel does not dispute the certificate dated 13.1.2017 (Annexure P-4) issued by the Civil Surgeon, Panchkula as there is no other evidence contrary to the said certificate issued.

In view of the above, it can safely be concluded that the complainant Reema is not a juvenile and is a major between the age group of 21-25 years.

In compliance of the order dated 01.3.2017, the parties have appeared before the learned Magistrate on 14.3.2017 for getting their statements recorded.

The report dated 17.3.2017 received from the learned Chief

Judicial Magistrate, Panchkula, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Reema before the CJM, Panchkula, on 14.3.2017 reads as under :-

“Stated that I have compromised the matter with the accused Sushil Gupta and Reena Gupta out of my free will and consent and without any coercion and undue influence and executed compromise deed Ex.C-1 and the said compromise is genuine between the parties. Now, there is no ill will between the parties.”

Learned counsel appearing for respondent No.2 does not dispute the fact of compromise effected between the parties.

Learned State counsel also does not dispute the aforesaid factual position, rather admits the factum of compromise effected between the parties.

Heard.

Since the parties have entered into a compromise and learned Magistrate has recorded their statements followed by his report, continuation of the trial arising out from the impugned FIR and consequential proceedings would be sheer abuse of the process of law since chances of conviction are bleak.

Keeping in view the factum of compromise effected between the parties and the law laid down by this Court in the case of **Kulwinder Singh and others vs. State of Punjab and another 2007(3) RCR (Crl.) 1052 (P & H)** and as approved by Hon'ble Supreme Court in **Gian Singh**

vs. State of Punjab and others, (2012)10 SCC 303, this petition is allowed and FIR No.163 dated 3.9.2016, under Sections 24 and 26 of the Juvenile Justice (Care and Protection of Children) Act, 2000, registered at Police Station Sector 14, Panchkula and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

July 24, 2017
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No