

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17412 of 2018(O&M)

Date of Decision: 27.04.2018

Avtar Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Sudesh K. Khurcha, Advocate
for the petitioner.

Mr. D.S.Sukarcharkia, DAG., Punjab.

LISA GILL, J (Oral).

Petitioner seeks quashing of FIR No. 31 dated 25.02.2017, under Sections 363, 366-A, 120-B IPC and Sections 3, 4 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station City Shri Muktsar Sahib.

The abovesaid FIR was registered on the statement of the complainant to the effect that his daughter, a minor had gone to clean a house in Bhabba Colony. The co-accused-Baby, who also used to do the work of cleaning etc. befriended his daughter. The co-accused-Baby allegedly took the complainant's daughter on 21.02.2017 alongwith her. When his daughter did not return till evening, inquiries were made from Baby but she did not give any satisfactory reply. The complainant's daughter was found standing at the bus stand Faridkot on 22.09.2017. It is alleged that the co-accused Baby introduced her to the present petitioner also known as Gaurav. Allegations of rape were raised against the petitioner.

Learned counsel for the petitioner submits that co-accused Baby

was proceeded against, but she has been acquitted by the learned Judge Special Court, Sri Muktsar Sahib on 19.04.2018. The victim, it is stated did not support the prosecution case. Reference is made to the statement of the victim-PW-1 (Annexure P-2). It is thus prayed that this petition be allowed.

Heard learned counsel for the petitioner at length.

Statement of the victim under Section 164 Cr.P.C., was recorded, wherein she raised specific allegations against the petitioner. There is no doubt that the victim in this case has not supported the prosecution case while deposing against the co-accused Baby, who stands acquitted. However, it is to be noted that conduct of the petitioner disentitles him for any relief.

The petitioner approached this Court seeking anticipatory bail vide CRM-M-22081 of 2017, which was withdrawn with liberty to approach the learned Sessions Judge for the relief claimed as the petitioner had not approached the said forum at the first instance. The petitioner, thereafter, filed CRM-M-20726 of 2017 seeking quashing of FIR No. 31 dated 25.02.2017, on the basis of a compromise allegedly arrived at between the parties. The said petition was dismissed as withdrawn on 28.07.2017. The petitioner, thereafter, filed CRM-M-31448 of 2017 seeking anticipatory bail on the plea that the complainant and the victim did not wish to proceed against him. It was stated that the complainant had submitted an affidavit seeking cancellation of the FIR in question. This Court noted the submissions of learned counsel for the State, on 08.09.2017, to the effect that the veracity of application and affidavit dated 15.09.2017 was checked out and the complainant specifically stated before the police authorities that he never submitted any such application or affidavit dated 15.05.2017 seeking cancellation of the FIR in question and his thumb impressions were taken on blank papers by one Raj Kanwar, a journalist. Copy of order dated 08.09.2017 is attached with this petition as Annexure P-6.

Petition seeking anticipatory bail i.e. CRM-M-31448 of 2017 was ultimately

withdrawn by the petitioner on 29.11.2017.

The present, is a second petition by the petitioner seeking quashing of FIR No. 31 dated 25.02.2017, under Sections 363, 366-A, 120-B IPC and Sections 3, 4 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station City Sri Muktsar Sahib.

Doubtlessly, the victim in the case has not supported the prosecution version while deposing against the co-accused-Baby. However, the conduct of the petitioner disentitles him from any relief. It cannot be disputed that the petitioner was very well aware of the proceedings against him. He kept waiting on the sidelines and deliberately did not submit to the process of law. It is candidly admitted that the petitioner is not on bail even as on date.

In this view of the matter, I do not find any ground whatsoever to interfere, at this stage, for quashing the aforementioned FIR.

Petition is accordingly dismissed.

27.04.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.