

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 19895 of 2016 (O&M)
Date of decision : 17.9.2018

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Sandeep Pal

.....Petitioner

vs.

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. G.S. Verma, Advocate
for the petitioner.

Mr. Dhruv Dayal, Senior Deputy Advocate General,
Punjab.

Mr. Samuel Gill, Advocate for respondents No. 2 and 3.

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H. S. Madaan, J.

By way of filing the instant petition under Section 482 Cr.P.C., petitioner-accused Sandeep Pal, seeks quashing of FIR No. 142 dated 28.7.2014, for offences under Sections 363, 366-A IPC, registered at Police Station Sahnewal, District Ludhiana, as well as final report under Section 173 Cr.P.C. dated 12.8.2014 and subsequent criminal proceedings, on the basis of compromise dated 4.3.2016.

Briefly stated, facts of the case are that the FIR in question was lodged by complainant Sunita Devi w/o Girdhari Lal r/o Dhanoi Police Station Akonna, District Gonda, U.P. at present r/o VPO Dhandari Kalan, Guru Nanak Colony, Near Singh Da Vehara, Near Atta W. Focal Point, Ludhiana City, Punjab, who in her statement made to the police of Police Station Sahnewal, stated that her elder daughter (name withheld to conceal the identity), aged about 15 years, a student of 9th class at S.G.D. Senior Secondary School, Shankar Colony, was left by son of the complainant namely, Ravi, at school on 26.7.2014. There was a function in the school on that date, but her said daughter did not return home. The complainant stated that a year earlier when her family was residing in Vehra of Paramvir near Lote Medical Wali Gali at village Dhandari Kalan, a boy namely, Sandeep was also residing there, who was keeping a bad eye upon her daughter. In that regard quarrel had taken place several times and she had a suspicion that Sandeep had enticed away her daughter by giving her allurements of marriage.

After registration of the FIR, the matter was investigated. The girl in question was recovered from village Roshnabad, Police Station Kacheri, District Haridwar, Uttarakhand on 29.7.2014. The accused was arrested on 30.7.2014. Statement of the prosecutrix was got recorded under Section 164 Cr.P.C. After completion of investigation and other formalities the accused was challaned. Presently, accused Sandeep Pal is facing trial in the Court.

Notice of the petition was given to the respondents i.e.

State of Punjab, Sunita Devi-complainant, as well as the victim

arrayed as respondent No.3. However, State had put in appearance through its counsel. Respondents No. 2 and 3 had appeared through Mr. Samuel Gill, Advocate. The Court had directed that their statements be recorded in the trial Court.

Statements of Sunita Devi -complainant, eye witness Ravi, accused Sandeep Pal and victim-prosecutrix have been recorded and a report in that regard has been sent by Additional Sessions Judge, Ludhiana.

I have heard learned counsel for the petitioner, learned State counsel, learned counsel for respondents No. 2 and 3, besides going through the record.

The accused is specifically named in the FIR. The allegations against him are quite grave and serious that he had kidnapped a minor girl from the lawful guardianship of her mother, inducing such minor girl to accompany him, giving allurements of marriage. He was arrested in this case. The Investigating Agency found enough evidence against him to forward him to face trial. Formal challan has been framed against him and the trial against him is going on. The offences for which the accused has been charge sheeted are non-compoundable. His guilt shall be determined during the trial. The cases of sexual abuse and sexual exploitation are increasing in our society day by day allowing composition of such offences to accused would not send a proper signal. Rather of the potential criminals feel encouraged to indulge in such type of activities. Merely because complainant has compromised the matter with the accused is no ground to quash the FIR, challan and other proceedings.

Therefore, I do not find any merit in the petition. The same stands dismissed accordingly.

17.9.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes/ No

Whether reportable Yes/ No