

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

**Crl. Misc. No. M-26469 of 2017  
Date of Decision : March 09, 2018**

**Sarabjit Singh .....Petitioner**

**Versus**

**State of Punjab and others ..... Respondents**

**CORAM : HON'BLE MRS. JUSTICE LISA GILL**

...

Present: Mr. V.K.Sandhir, Advocate  
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

None for respondents No. 2 and 3.

...

**LISA GILL, J. (Oral)**

Prayer in this petition is for quashing of FIR No.128 dated 10.06.2017 under Sections 363/366-A IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Sultanwind, Amritsar, along with all other consequential proceedings arising therefrom on the basis of compromise dated 15.07.2017 (Annexure P2) arrived at between the parties.

Learned counsel for the petitioner submits that even otherwise no offence under the aforesaid Sections is made out against the petitioner as the petitioner has solemnized marriage with respondent No.3 on 16.08.2017. Respondent No.3, it is submitted, is now major, her date of birth being 10.08.1999. The petitioner and respondent No.3, it is submitted, are residing

together in the matrimonial home in peace and harmony. Respondent No.2-complainant and father of respondent No.3 has also accepted this marriage. It is thus prayed that this petition be allowed.

Pursuant to order dated 07.12.2017 parties appeared before the learned Judicial Magistrate 1<sup>st</sup> Class, Amritsar, and their statements were recorded on 09.01.2018. The complainant as well as the alleged victim, respondents No. 2 and 3 respectively, stated that the matter stood amicably resolved between the parties out of their own free will, without any pressure, coercion, allurement or threat. It is stated by respondents No.2 and 3 that they have no objection to the quashing of the above-said FIR against the petitioner. Statement of the petitioner in respect to the settlement was also recorded.

As per report dated 09.01.2018 submitted by the learned Judicial Magistrate 1<sup>st</sup> Class, Amritsar, satisfaction is expressed that the compromise between the parties is genuine and voluntarily arrived at out of the free will of the parties. Petitioner is not reported to be a proclaimed offender. Statements of the parties are appended along with the said report.

Mr. Kashmir Singh, Advocate, had appeared on behalf of respondents No. 2 and 3 on 07.012.2017 and it is on his affirmation of the settlement that parties were directed to appear before the learned trial Court for recording of their statements.

Learned counsel for the State, on instructions from ASI Darshan Kumar, submits that the petitioner and respondent No.3 are living together in their matrimonial home. No serious objection to the quashing of

the aforesaid FIR on the basis of a settlement arrived at between the parties has been raised.

In *Kulwinder Singh and others versus State of Punjab and another* 2007 (3) R.C.R. (Criminal) 1052, a five member Bench of this Court has observed as under:-

*“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.*

Keeping in view the facts and circumstances of this case, it would be in the interest of justice to quash the above-said FIR as no useful purpose would be served by continuance of the present proceedings. It will merely lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No.128 dated 10.06.2017 under Sections 363/366-A IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Sultanwind, Amritsar, along with all consequential proceedings are, hereby, quashed.

**09.03.2018**  
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**( LISA GILL )**  
**JUDGE**

**Note:** Whether speaking/reasoned  
Whether Reportable:

Yes / No  
Yes / No