

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

CRM-M-31855 of 2017(O&M)

Date of Decision:02.05.2018

Geetu and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Mukesh Rao, Advocate
the petitioners.

Mr. Ashok S. Chaudhary, Addl.AG., Haryana.

Mr. S.K.Birla, Advocate
for respondents no.2 and 3.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No.135 dated 27.09.2016, under Sections 384, 509, 34 IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Women Sector 16-A, District Faridabad, along with all other consequential proceedings arising therefrom on the basis of a compromise (Annexure P-2) arrived at between the parties.

It is submitted that the abovesaid FIR was registered primarily on account of certain misunderstandings between petitioner no.2 and respondent no.2. However, the matter has been amicably resolved between the parties. Respondents no.2 and 3 do not wish to continue with the proceedings against the accused-petitioners. It is further submitted that respondent no.2, the alleged victim, in this case is now major. It is thus prayed that this petition be allowed.

This Court on 28.11.2017 directed the parties to appear before the learned trial court for recording of their statements in respect to the above-mentioned compromise. Learned trial court was directed to submit a report regarding the genuineness of the compromise, as to whether it has been arrived at out of the free will and volition of the parties without any coercion, fear or undue influence. Learned trial court was also directed to intimate whether the petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 28.11.2017, the parties appeared before the learned Additional Sessions Judge, Faridabad, on 20.12.2017. Respondent No.2 stated that the matter has been amicably resolved by her with both the accused-petitioners out of her own free will, without any kind of pressure or coercion and she has no objection in case the abovesaid FIR against both the petitioners is quashed. Joint statement of the petitioners in respect to the settlement were recorded.

As per report dated 20.12.2017, received from the learned Additional Sessions Judge, Faridabad, satisfaction is expressed that the compromise between the parties is genuine, voluntarily arrived at out of the free will of the parties, without any pressure or coercion. It is further noted that though petitioner no.2 was declared a proclaimed offender, bail was granted to him on 21.08.2017.

Learned counsel for respondents No.2 and 3 affirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the above-

mentioned FIR against both the petitioners.

Learned counsel for the State has not raised any serious objection to the quashing of this FIR on the basis of a settlement arrived at between the parties.

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.135 dated 27.09.2016, under Sections 384, 509, 34 IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Women Sector 16-A, District Faridabad, along with all consequential proceedings are, hereby, quashed.

02.05.2018

s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.