

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

Criminal Misc. No. M- 3673 of 2017(O&M)

Date of Decision: February 21 , 2018.

Gurmeet Singh PETITIONER(s)

Versus

State of Punjab and others RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Vishal Goel, Advocate
for the petitioner.

Mr. Sukhbir Singh, AAG, Punjab.

Mr. Davinder Kumar Punia, Advocate for
Mr. Maninder Singh Punia, Advocate
for respondents No.2 and 3.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.0044 dated 15.05.2016 under Sections 363/366A and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (for short, the 'POCSO Act') (Section 376 IPC as well as Section 4 of the POCSO Act were added subsequently, whereas Section 8 of the POCSO Act was deleted), registered at Police Station Sadar Rajpura, District Patiala and all other consequential proceedings arising therefrom.

It is submitted that marriage has been solemnized between the petitioner and respondent No.3, therefore, no offence punishable under Sections

363/366A/376 and Sections 8/4 of the POCSO Act is made out against the petitioner. It is further submitted that the petitioner and respondent No.3 had friendly relations and wished to solemnize marriage with each other, but this was not to the liking of the complainant i.e., the father of the victim/respondent No.3. It is further submitted that the alleged victim/respondent No.3 is now major, her date of birth being 27.02.1999. Marriage between the petitioner and respondent No.3 was solemnized on 17.05.2017. Marriage certificate is attached as Annexure P3 with this petition.

Moreover, the complainant/respondent No.2 i.e., the father of respondent No.3 has accepted this marriage and he has no objection in case the abovesaid FIR against the petitioner is quashed. It is thus submitted that rigours of judgment of the Hon'ble Supreme Court in **State of M.P. v. Madanlal, 2015 (7) SCC 681** are not applicable in the factual matrix of this case. Therefore, it is prayed that this petition be allowed.

This Court on 06.02.2017 directed the parties to appear before learned trial court/Illaq Magistrate for recording their statements. Learned trial court/Illaq Magistrate was directed to submit a report regarding the validity or otherwise of the compromise after recording the statements of all the concerned parties.

Pursuant to order dated 06.02.2017, the parties appeared before the learned Additional Sessions Judge, Patiala and their statements were recorded. The said statements have been duly reproduced in the report dated 07.04.2017 submitted by the learned Additional Sessions Judge, Patiala. It is mentioned in the said report that respondent No.3, the alleged victim specifically stated that she

was in love with the petitioner and wished to solemnize marriage with him. With the intervention of respectables of the family as well as the relatives, the matter has been compromised and it is agreed that her marriage would be performed with the petitioner on her attaining majority. The complainant/respondent No.2 stated that the matter has been amicably resolved with the intervention of the family members and relatives from both the sides and he has no objection to the solemnization of marriage of his daughter with the petitioner. The complainant/respondent No.2 further stated that he has no objection in case the abovesaid FIR against the accused petitioner is quashed. Statements of the petitioner as well as his father in respect to the settlement were recorded as well. As per the said report, it is opined that the parties have suffered their statements out of their free will without any fear, pressure or coercion from any quarter. The petitioner is not reported to be a proclaimed offender.

Learned counsel for respondents No.2 & 3 and learned counsel for the State, on instructions from HC Darshan Singh, affirm and verify that marriage has been solemnized by the petitioner with respondent No.3 on 17.05.2017 and both of them are living together at their matrimonial home. Learned counsel for respondents No.2 and 3 states that the said respondents have no objection to the quashing of the abovementioned FIR against the petitioner.

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”.

Doubtlessly, FIR No.0044 dated 15.05.2016 was registered under Sections 363/366A and Section 8 of the POCSO Act against the petitioner. However, keeping in view the subsequent events i.e., the solemnization of marriage between the petitioner and respondent No.3, no useful purpose would be solved by keeping the proceedings alive. It will further lead to wastage of precious time of the court and would be an exercise in futility. In order to render complete justice to the parties, it is considered just and expedient to allow this petition.

FIR No.0044 dated 15.05.2016 under Sections 363/366A and Section 8 of the POCSO Act (Section 376 IPC as well as Section 4 of the POCSO Act were added subsequently, whereas Section 8 of the POCSO Act was deleted), registered at Police Station Sadar Rajpura, District Patiala alongwith all consequential proceedings are, hereby, quashed.

February 21, 2018.
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(LISA GILL)
JUDGE

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