

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-43519-2017 (O&M)

Date of decision: 30.07.2018

Kaka Maish

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. BBS Randhawa, Advocate for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. Manu Loona, Advocate for respondent No 2.

RAMENDRA JAIN, J. (ORAL)

CRM-17814-2018

Through this application under Section 482 Cr.P.C., prayer has been made for amendment of the main petition.

Heard.

For the reasons mentioned in the application which is supported by an affidavit, the same is allowed. The amendments shown in para 6 of the application as well as correction of offence, namely "Section 377 IPC" instead of "Section 477 IPC" (Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012, added lateron), are ordered to be effected in the main petition.

CRM-M-43519-2017

1. Through this petition under Section 482 Cr.P.C., prayer has been made for quashing FIR No. 61 dated 22.08.2017 (Annexure P-1)

registered under Section 377 IPC (Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012, added lateron) at Police Station Sri Hargobindpur, Police District Batala and all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2) effected between the parties.

2. Vide orders dated 16.11.2017, parties were directed to appear before the trial Court/Illaqa Magistrate, to get their statements recorded for compromise with a direction to the trial Court/Illaqa Magistrate, to furnish a report qua veracity of the compromise.

3. Consequently, parties appeared before the Judicial Magistrate Ist Class, Batala and got recorded their statements qua compromise on 29.11.2017. Report from the Judicial Magistrate Ist Class, Batala, vide letter No. 357 dated 04.05.2018, duly forwarded by learned District and Sessions Judge, Gurdaspur, vide Endst. No. 9357/RKT dated 05.05.2018, has been received. According to the report of the learned Judicial Magistrate Ist Class, Batala, the compromise between the parties is valid and genuine and it is voluntarily effected between the parties with their free consent and without any pressure, threat, coercion or undue influence from any quarter.

4. In view of the totality of the facts and circumstances and considering the fact that the compromise will bring harmony in relations between the parties, this petition is allowed and the aforesaid FIR No. 61 dated 22.08.2017 (Annexure P-1) and all subsequent proceedings arising therefrom, qua the petitioner is quashed, subject to payment of costs of ₹10,000/-, out of which ₹6,000/- shall be deposited with the Punjab State

Legal Services Authority and ₹4,000/- with the Bar Council of Punjab and Haryana, within two weeks from today, failing which this petition shall be deemed to be dismissed.

5. List on 23.08.2018, for production of receipts regarding deposit of costs.

July 30, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No