

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

CRM-M-4244 of 2019.

Decided on:- May 09, 2019.

Manpreet Singh.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Ms. Lakshaya, Advocate for
Ms. Neesh Garg, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, D.A.G., Punjab.

None for respondent No.2-complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.146 dated 24.12.2017 under Section 354-A IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Bhikhi, District Mansa (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 10.01.2019 (Annexure P-2) effected between the parties.

This Court vide order dated 30.01.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioner as well as respondent No.2-complainant have appeared before learned Additional Sessions Judge, Mansa and got their statements recorded on 25.02.2019. On the basis of the statements so recorded by the parties, learned Sessions Judge has submitted the report dated 25.02.2019 to the effect that the compromise arrived at between the parties is genuine, voluntary and without any coercion or undue influence.

The aforesaid report dated 25.02.2019 further suggests that as per the record, the FIR in question was registered under Section 354-A IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 on the basis of statement made by prosecutrix against the petitioner-accused. However, after completion of investigation, the Challan was presented under Sections 354-A and Sections 11 and 12 of the Protection of Children from Sexual Offences Act, 2012.

In view of the aforesaid report, though in the present petition, quashing of the FIR under Section 354-A IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 has been sought, but after presentation of the Challan, the FIR in question now survives under Section 354-A IPC and Sections 11 and 12 of the Protection of Children from Sexual Offences Act, 2012.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Nainsdeep Kaur. Though no one has put in appearance on her behalf, but it would not cause any prejudice to her as she has already made a statement before learned Sessions Judge, Mansa in

support of the compromise between the parties. Her statement so made before learned Sessions Judge, Mansa on 25.02.2019 reads as under:

“FIR No.146 dated 24.12.2017 was registered on the basis of my statement, in Police Station Bhikhi under Section 354A IPC, 11, 12 of the Protection of Children from Sexual Offences Act 2012 against Manpreet Singh son of Makhan Singh. Now compromise has been effected between me and Manpreet Singh and I do not want any action to be taken against Manpreet Singh. I got married with Manpreet Singh on 14.12.2018 and since then I am residing with Manpreet Singh happily. Compromise is genuine, volunteered, with my free will, without any coercion and undue influence.”

Learned State counsel has not disputed the factum of compromise effected between the parties. On instructions from ASI Nachhattar Singh, learned State counsel states that during investigation the offence under Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 were deleted and the offence under Sections 11 and 12 of the Protection of Children from Sexual Offences Act, 2012 were incorporated on 02.01.2018 by the trial Court.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioner shall be an abuse of the process of law.

Thus, following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303***, the present petition is allowed and the FIR No.146 dated

24.12.2017 under Section 354-A IPC and Sections 11 and 12 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Bhikhi, District Mansa (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 10.01.2019 (Annexure P-2) effected between the parties.

May 09, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No