

278.

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

CRM-M-4943-2019

Date of decision:13.05.2019

MOHAMAD KABIR AND ORS

... Petitioners

versus

STATE OF HARYANA AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sandeep Singh Brar, Advocate, for
Mr. Pankaj Bali, Advocate,
for the petitioners.

Mr. Manish Bansal, DAG, Haryana,
for respondent No.1.

Mr. Naveen Mandhan, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.155 dated 07.06.2016 registered under Sections 9, 10, 11 of Prohibition of Child Marriage Act, 2006 at Police Station Kunjpura, Karnal (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 19.01.2019 (Annexure P-3).

This Court vide order dated 04.02.2019 had directed the parties to appear before the Illaqa Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 08.03.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any pressure or undue influence.

Respondent No.2-complainant, namely, Raveena has made her statement with regard to compromise before learned Magistrate on 13.02.2019 to the effect that she has compromised the matter with the accused voluntarily, without any pressure or undue influence and has no objection in case the FIR in question is quashed qua the petitioners.

Learned counsel for the petitioner states that petitioner No.1-Mohamad Kabir is the kazi who solemnized marriage between respondent No.2-Raveena and Shakeel, whereas petitioner No.2-Aleemudeen and petitioner No.3-Kasturi are father-in-law and mother-in-law respectively of respondent No.2. He relies upon order dated 05.12.2018 (Annexure P-2) passed by this Court in CRM-M-21662-2018 titled as “Shakeel Versus State of Haryana and another” to contend that in the similar circumstances, the FIR qua Shakeel, who is the husband of respondent No.2 was quashed.

Learned counsel for respondent No.2 has not disputed the factum of compromise between the parties.

Learned State counsel has filed reply by way of an affidavit of Randhir Singh, HPS, Deputy Superintendent of Police, Indri, in court today on behalf of respondent No.1, which is taken on record.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment

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***, this petition is allowed and F.I.R. No.155 dated 07.06.2016 registered under Sections 9, 10, 11 of Prohibition of Child Marriage Act, 2006 at Police Station Kunjpura, Karnal (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 19.01.2019 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

13.05.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No