

278.

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

CRM-M-6660-2019

Date of decision:23.05.2019

HITESH @ DIMPI

... Petitioner

versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Rajender Singh Malik, Advocate,
for the petitioner.

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

None 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.89 dated 05.09.2018 registered under Sections 354, 366-A, 506 of IPC and Section 8 of POCSO Act at Police Station GRP Sonipat (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 03.02.2019 (Annexures P-2 & P-3).

This Court vide order dated 13.02.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court 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 learned Additional District & Sessions Judge, Sonapat and got their statements recorded. On the basis of the statements so recorded, learned

Additional District & Sessions Judge has submitted report dated 03.05.2019 to the effect that the compromise has been effected between the parties voluntarily and without any pressure, misrepresentation, undue influence, coercion or any mistake of fact.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Jitender Kumar but no prejudice would be caused to him as he has already made a statement with regard to compromise before learned Additional District & Sessions Judge on 18.03.2019. The same is reproduced as under:-

“Stated that I am the complainant on the above stated case. The matter has been compromised amicably with the intervention of the respectable members of the society. Hitesh (accused) has given an affidavit to the effect that he will not repeat such kind of act again and in view of his sincere apology, I do not want to pursue the present case. I have no objection if the aforesaid FIR/proceedings be quashed against the accused.

The said compromise has been entered into without any pressure, mis-representation, undue influence, coercion or mistake of fact. The same has been effected voluntarily.”

Learned State counsel has filed reply by way of an affidavit of Madan Lal, HPS, Deputy Superintendent of Police, Railways (H) Hqrs. Ambala Cantt, on behalf of respondent-State, 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 of this Court in ***Kulwinder Singh and others Versus State of Punjab and***

Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, this petition is allowed and F.I.R. No.89 dated 05.09.2018 registered under Sections 354, 366-A, 506 of IPC and Section 8 of POCSO Act at Police Station GRP Sonipat (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise/affidavit dated 03.02.2019 (Annexures P-2 & P-3), however, that would be subject to payment of costs of Rs.5,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

23.05.2019
sanjeev

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