

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-12613-2018 (O&M)
Date of Decision:-15.10.2019

Mohit Kumar and others ... Petitioners

Versus

State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Namit Khurana, Advocate for the petitioners.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana,
assisted by ASI Sushma.

Mr. Shagun Thapar, Advocate for
Mr. Mohit Nehra, Advocate for respondents No.2 to 5.

GURVINDER SINGH GILL, J.(Oral)

The petitioners have approached this Court seeking quashing of FIR No.76 dated 20.2.2018 registered at Police Station Yamuna Nagar City, District Yamuna Nagar under Section 323 of Indian Penal Code, 1860 and Sections 10 and 12 of POCSO Act, 2012 and all subsequent proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Vide order dated 11.2.2019, the parties had been directed to appear before the Illaqa Magistrate/trial Court so as to get their statements recorded qua the factum of compromise.

Report of learned Additional District & Sessions Judge, Yamuna Nagar at Jagadhri has been received, wherein it has been reported

that statements of petitioners/accused Mohit Kumar, Rajat Kumar, Sahil and Prince and also of victims/complainants Neha, Priya and injured Subodh Krishan Lal and Dinesh have been recorded to the effect that they have compromised the matter amongst themselves and they have no objection in case the FIR is quashed. Although, statement of petitioner No.3 Rohit Kumar has not been recorded, but it has been informed by learned counsel for the petitioners that petitioner No.3 Rohit Kumar was tried by Juvenile Justice Board and has since been acquitted.

The aforesaid position is not disputed by the learned State counsel, who has stated so upon instructions from ASI Sushma, who is present in Court.

The learned learned Additional District & Sessions Judge, Yamuna Nagar at Jagadhri has specifically opined that the parties have entered into compromise voluntarily without there being any pressure, coercion or undue influence.

In view of the aforesaid compromise and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the present petition is allowed and FIR No.76 dated 20.2.2018 registered at Police Station Yamuna Nagar City, District Yamuna Nagar under Section 323 of Indian Penal Code, 1860 and Sections 10 and 12 of POCSO Act, 2012 and all subsequent proceedings emanating therefrom are hereby quashed qua petitioners.

15.10.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether reasoned/speaking

Yes / No

Whether reportable

Yes / No