

285.

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

CRM-M-8415-2019

Date of decision: 21.08.2019

AJAY KUMAR @ KAKA

... Petitioner

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Deepak Aggarwal, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab,
for respondent No.1.

Mr. Nipun Gupta, 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.239 dated 05.12.2018 registered under Sections 354, 354A, 323, 307 of IPC and Section 8 of Protection of Children from Sexual Offences Act, at Police Station Canal Colony, Bathinda, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.02.2019 (Annexure P-2).

This Court vide order dated 25.02.2019 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 Chief Judicial Magistrate, Bathinda and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 04.04.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

Respondent No.2-complainant, namely, Seeta has made her statement with regard to compromise before learned Magistrate on 28.03.2019. The same is reproduced as under:-

“Stated that the above said case FIR was registered on my statement. Now with the intervention of respectables of the society and relatives a compromise has been effected with the accused without any coercion or any pressure or inducement. I do not want to proceed further with the present FIR. I have no objection if the above said FIR is quashed”

Learned State counsel has not disputed the factum of compromise between the parties. He, on instructions from HC Sukhdeep Singh, states that the victim was examined under Section 164 Cr.P.C. and she has not supported the case of the prosecution and it is for this reason, challan has not been presented.

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 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.239 dated 05.12.2018 registered under Sections 354, 354A, 323, 307 of IPC and Section 8 of Protection of Children from Sexual Offences Act, at Police Station Canal Colony, Bathinda, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 16.02.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

21.08.2019
sanjeev

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