

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-9137-2019

Date of Decision:-08.05.2019.

Gaurav and another

.....Petitioners

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. G.S. Salana, Advocate for
Mr. J.S. Jaidka, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Rahul Rana, Advocate for respondent Nos.2 and 3.

RAJ SHEKHAR ATTRI, J.

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.135 dated 12.07.2017 under Sections 363, 366-A, 376 of the Indian Penal Code and Section 4 of POCSO Act, 2012, registered at Police Station Division No.4, District Ludhiana and proceedings emanating therefrom, on the basis of compromise (Annexure P-1) arrived at between the parties.

It is stated that now the petitioner No.1-Gaurav and prosecutrix have married with each other and they are now residing together happily. Prosecutrix has admitted the factum of marriage in the compromise.

In the present case, the FIR was registered on the statement of Manmohan Singh son of Shri Harbhajan Singh. Now, dispute between the parties has been resolved by way of compromise Annexure P-1.

Vide order dated 28.02.2019, the parties were directed to appear before the trial Court to get their statements recorded with regard to genuineness of

compromise.

Pursuant thereto, a report has been submitted by the Additional District and Sessions Judge, Ludhiana wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter, without any coercion or pressure.

Counsel for the State and respondent No. 2 have not disputed that the parties i.e. petitioners and respondent No.2 (complainant) have arrived at a settlement with an intent to give burial to their differences.

Perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 Cr.P.C. Keeping in view authoritative enunciation of law laid down by Hon'ble the Supreme Court in 'Gian Singh v. State of Punjab and another', 2012 (4) R.C.R. (Criminal) 543 and in the light of facts and circumstances discussed hereinbefore, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that the same are put to an end.

For the foregoing reasons, the petition is allowed, FIR No.135 dated 12.07.2017 under Sections 363, 366-A, 376 of the Indian Penal Code and Section 4 of POCSO Act, 2012, registered at Police Station Division No.4, District Ludhiana and proceedings emanating therefrom stand quashed qua the petitioners.

(RAJ SHEKHAR ATTRI)
JUDGE

May 08, 2019.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.