

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

266

CRM-M-21120-2018(O&M)

Date of Decision:11.07.2019

Parveen @ Rinku

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. R.S. Budhwar, Advocate,  
for the petitioner.

Mr. Manish Bansal, D.A.G., Haryana,,  
for respondent No.1.

Mr. Sanjeev Kumar Arya, Advocate,  
for respondent No.2.

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HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.10 dated 12.02.2018 under Sections 341, 354, 354-B, 452, 365, 511, 506, 509 IPC and Section 8 of the POCSO Act, registered at Police Station Women Cell, Kurukshetra (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 11.05.2018 (Annexure P-2).

Initially, the FIR was registered under Sections 120-B, 354, 354-B, 452, 365, 511, 376, 506, 509 IPC, but during investigation, the offence under Sections 376, 120-B IPC were deleted, whereas offence under Section 8 of the POCSO Act and Section 341 IPC were added in the FIR.

This Court vide order dated 12.11.2018 had directed the parties

to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Learned counsel for the petitioner has argued that during investigation offences under Sections 376, 120-B IPC were not made out and therefore, these offences were deleted. However, the offences under Section 8 of the POCSO Act and Section 341 IPC were added.

Pursuant to the aforesaid order, parties have appeared before learned Addl. District & Sessions Judge, Kurukshetra and got their statements recorded. On the basis of the statements so recorded, learned Sessions Judge has submitted report dated 18.12.2018 to the effect that the compromise has been effected between the parties without any pressure, undue influence or coercion and without any consideration.

Respondent No.2-victim, who was about 19 years of age as on the relevant date, has made a statement with regard to compromise before learned Addl. Sessions Judge on 10.12.2018. The same is reproduced as under:-

*“I have seen the photocopy of compromise dated 11.05.2018, the same is Mark-A. I signed the original compromise. The same was filed in the Hon'ble High Court of Punjab and Haryana and Mark-A is the correct photocopy of the original compromise. The compromise was made without any pressure, undue influence or coercion and without any consideration. It was made with my free will and consent to maintain the peace and harmony being neighbourer and keeping in view the betterment of future of both the parties. I reiterate the contents of compromise Mark-A. I am satisfied with the compromise and not interested to pursue the above said*

*case. Now none of the parties is having any grudge or malice or ill will against each other. It has been agreed by both the parties that the case against the accused may be closed as compromised. Copy of my Aadhaar card is Mark-B.”*

Apart from above, a similar statement has also been made by Col. Kulvir Gill, father of the victim, whereby he has shown no objection to the present FIR being quashed.

Learned State counsel does not dispute the fact that during investigation, the offences under Sections 376, 120-B IPC were deleted and offences under Section 8 of the POCSO Act and 341 IPC were added. Learned State Counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

Considering the fact that the present FIR no more survives under Section 376 IPC as the same was deleted during investigation and the matter having been compromised between the parties, which is apparent from the statement of the victim as well as her father Col. Kulvir Gill, this Court finds that the present FIR qua the petitioner deserves to be quashed.

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 FIR No.10 dated 12.02.2018 under Sections 341, 354, 354-B, 452, 365, 511, 506, 509 IPC and Section 8 of the POCSO Act, registered at Police Station Women Cell, Kurukshetra

(Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 11.05.2018 (Annexure P-2), subject to payment of costs of ₹10,000/- to be paid by the petitioner, within a period of one month from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. He shall produce a receipt with the Registry.

**July 11, 2019**  
seema

**(HARI PAL VERMA)**  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No