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

**CRM-M-2658-2018
Date of decision: 09.04.2019**

Sunny Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present:- Mr. S.K.Singla, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. M.S.Yadav, Advocate
for respondent No. 2.

RAJ SHEKHAR ATTRI, J. (Oral)

By invoking Section 482 of the Code of Criminal Procedure (in short 'Cr.P.C.'), the petitioners have prayed for quashing of FIR No. 102 dated 01.06.2015 (Annexure P-1) for offences punishable under Sections 363, 366-A, 376 IPC and Sections 4 & 8 of the Protection of Children from Sexual offences Act, 2012, registered at Police Station Division No. 4, Ludhiana along with all consequential proceedings emanating therefrom, on the basis of the compromise (Annexures P- 3 and 4).

In the present case, the FIR was registered on the statement of respondent No. 2/complainant Sushil Kumar. Now, the dispute between the parties has been resolved by way of compromise (Annexures P- 3 & 4).

Vide order dated 11.02.2019, 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 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 undue influence.

It has been submitted that both the petitioner and prosecutrix are residing together as husband and wife and prosecutrix has given birth to a son from their wedlock.

Counsel for the State as well as counsel for respondent No. 2 have not disputed that the parties i.e. petitioners and respondent No. 2 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 Supreme Court in '**Gian Singh vs. 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 and FIR No. 102 dated 01.06.2015 (Annexure P-1) for offences punishable under Sections 363, 366-A, 376 IPC and Sections 4 & 8 of the Protection of Children from Sexual offences Act, 2012, registered at Police Station Division No. 4, Ludhiana and all the proceedings emanating therefrom stand quashed qua the petitioners.

09.04.2019

SHABHA

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No