

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

CRM-M-30115-2018 (O&M)

Date of decision: February 27, 2019

Lakhwinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: None for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

None for respondents No.2 and 3.

RAJ SHEKHAR ATTRI, J.(ORAL)

By invoking Section 482 of the Code of Criminal Procedure, the petitioner has prayed for quashing of FIR No.0009 dated 20.01.2018, under Sections 363, 366-A of the Indian Penal Code (for short 'IPC'), Section 4 of Protection of Children from Sexual Offences Act (for short 'the Act') added later on, registered at Police Station Tappa Mandi, District Barnala and subsequent proceedings arising therefrom on the basis of compromise dated 05.06.2018 (Annexure P-2).

In the present case, the FIR was registered on the statement of Satnam Singh son of Amar Singh. Now, dispute between the parties has been resolved.

Vide order dated 19.07.2018, the parties were directed to appear before the learned trial court/illaqa magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the learned Special Judge, Barnala wherein it has been reported that statements of the parties have been recorded and compromise entered between the parties is voluntarily without any pressure and coercion.

A bare perusal of the statements of prosecutrix, her father and Lakhwinder Singh transpire that prosecutrix have already been married with accused-Lakhwinder Singh and both of them are residing together happily.

Learned State counsel has not disputed that the parties i.e. petitioner, 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 and FIR No.0009 dated 20.01.2018, under Sections 363, 366-A IPC, Section 4 of the Act added later on, registered at Police Station Tappa Mandi, District Barnala and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioner.

February 27, 2019
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no