

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

**CRM-M-17496-2019 (O&M)**

**Date of decision : 10.12.2019**

Shamsher Singh @ Shera

... Petitioners

**VERSUS**

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. Vipin Mahajan, Advocate,  
for the petitioner.

Ms. Rashmi Atri, AAG, Punjab.

Mr. Vishal Munjal, Advocate,  
for respondent No.2.

Mr. Rahul Verma, Advocate,  
for respondent No.3.

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**GURVINDER SINGH GILL, J.(Oral)**

The petitioners have approached this Court seeking quashing of FIR No.40, dated 6.4.2017, registered at Police Station Dhariwal, District Gurdaspur, under Sections 363, 366-A, 376 of Indian Penal Code, 1860 and 4, 6 & 8 of POCSO Act and all subsequent proceedings emanating therefrom on the basis of a compromise effected between the parties.

Although some of the offences as alleged in the FIR are grave which include offence under Section 376 IPC as well as offences under Section 4 & 6 of the POCSO Act but in view of the peculiar circumstances of the case especially the fact that the petitioner has solemnized marriage with the victim and both of them are stated to be residing together and have been blessed with a child, the petition is being entertained.

Pursuant to the directions issued by this Court vide order dated

22.4.2019, statements of the parties have been recorded by the Court of learned Additional Sessions Judge, Gurdaspur.

The prosecutrix in her statement recorded before the learned Additional Sessions Judge on 7.5.2019 has stated that she has now attained the age of majority and that the matter stands compromised amongst them and she had solemnized marriage with accused petitioner Shamsheer Singh on 4.5.2019 and is residing peacefully and happily with her husband at her in-laws house.

Shri Rahul Verma, Advocate has put in appearance on behalf of the complainant namely Balbir Chand father of Gurpreet and has filed power of attorney which is taken on record.

Shri Rahul Verma, Advocate has stated that the complainant has no objection for quashing of the FIR. Statement of the accused has also been recorded wherein he has also stated that he has solemnized marriage with the prosecutrix pursuant to a compromise effected amongst them.

Learned Additional Sessions Judge, Gurdaspur has specifically opined that the compromise has been entered amongst the parties voluntarily and is genuine and a valid compromise.

In view of the aforesaid position, particularly the fact that the victim and the accused are presently residing together happily as husband and wife, in my opinion, it is a fit case for exercising the powers under Section 482 of the Cr.P.C. so as to afford the parties another chance to lead a happy life rather than litigating in Courts.

In view of the aforesaid compromise and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the present petition is

allowed and FIR No.40, dated 6.4.2017, registered at Police Station Dhariwal, District Gurdaspur, under Sections 363, 366-A, 376of Indian Penal Code, 1860 and Sections 4, 6 and 8 of POCSO Act, 2012 and all subsequent proceedings emanating therefrom are hereby quashed qua the petitioners.

December 10, 2019

Paritosh Kumar

( GURVINDER SINGH GILL)

JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |