

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

**CRM-M-19391-2019 (O&M)
Date of Decision : 17.07.2019**

Kailash

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Sumit Bairagi, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Naveen Kashyap, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J. (Oral)

Mr. Naveen Kashyap, Advocate has appeared and filed power of attorney on behalf of respondent No.2. Same is taken on record.

By invoking Section 482 Cr.P.C., the petitioner has prayed for quashing of FIR No.1009 dated 28.09.2017, registered under Sections 363, 366-A IPC and Section 6 of the Protection of children from Sexual Offences Act, 2012 at Police Station Karnal City, District Karnal and proceedings emanating therefrom on the basis of between the parties.

In the present case, the FIR was registered on the statement of respondent No.3-Mahender son of Pala Ram. Now, dispute between the parties has been resolved. The prosecutrix is already married with the petitioner and she is now residing with him as his wife.

Vide order dated 30.04.2019, 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 Sessions Judge, Karnal wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter.

Counsel for the State and respondent No. 2 have not disputed that the parties i.e. petitioner 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.1009 dated 28.09.2017, registered under Sections 363, 366-A IPC and Section 6 of the Protection of children from Sexual Offences Act, 2012 at Police Station Karnal City, District Karnal and proceedings emanating therefrom stand quashed qua the petitioners.

(RAJ SHEKHAR ATTRI)
JUDGE

17.07.2019

mamta

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No