

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

277

CRM-M-37989-2018

Date of Decision:27.05.2019

Sunil Kumar @ Sunil Tandi

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Munish Puri, Advocate,  
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab,  
for respondent No.1.

Mr. Sanjeev Kumar, Advocate,  
for respondent Nos.2 and 3.

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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.72 dated 19.06.2016 under Sections 363, 366 IPC, and Section 4 of the POCSO Act, Police Station Division No.2, Pathankot, District Pathankot (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 14.08.2018 (Annexure P-4).

This Court vide order dated 05.02.2019 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.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1<sup>st</sup> Class, Pathankot and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 06.03.2019 to the effect that the parties got recorded their statements voluntarily and out of free will with regard to the compromise.

Respondent No.2-complainant, namely, Veena Devi has made a statement with regard to compromise before learned Magistrate on 01.03.2019. The same is reproduced as under:-

*“That I had lodged FIR No.72 dated 19.06.2016, U/s 363, 366 of IPC and Section 4 of POCSO Act, PS Division No.2, Pathankot against the accused Sunil Kumar @ Sunil Tandi. That I have compromised/settled the matter with accused. I have no objection if the FIR No.72 dated 19.06.2016, U/s 363, 366 of IPC and Section 4 of POCSO Act, PS Division No.2, Pathankot is quashed. That I am the complainant in the said FIR and today I am giving my statement out of my free will and consent, undue influence, without any coercion and there is no pressure on me.”*

Apart from above, a similar statement has been made by respondent No.3-Ruby Devi, who is victim in the case whereby she has shown no objection to the FIR being quashed. There is nothing on record to doubt about the genuineness of compromise effected between the parties.

Learned counsel for the petitioner states that apart from the fact that the matter has been compromised between the parties, respondent No.3-Ruby Devi is about 19 years of age. The parties have solemnized the marriage and out of this wedlock, a daughter has been born to them. Thus, the FIR needs to be quashed on the basis of compromise arrived at between the parties.

Learned counsel for respondent Nos.2 and 3 does not dispute the aforesaid fact and states that respondent No.3 has solemnized the marriage with the petitioner and they have a daughter from this marriage.

Learned State counsel has also not disputed the factum of compromise between the parties.

Heard learned counsel for the parties.

This Court in **Samma Versus State of Punjab, 2014(30) R.C.R. (Criminal) 535**, has held that once the complainant had married and is residing with petitioner as his wife in her matrimonial home and a child has been born to them, the FIR needs to be quashed as continuation of FIR will further complicate the matrimonial relations between the parties.

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.72 dated 19.06.2016 under Sections 363, 366 IPC, and Section 4 of the POCSO Act, Police Station Division No.2, Pathankot, District Pathankot (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 14.08.2018 (Annexure P-4).

**May 27, 2019**  
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**(HARI PAL VERMA)**  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No