

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

Sr. No.262

**CRM-M-39050 of 2018
DECIDED ON: March 11, 2019**

PARDEEP KUMAR @ DEEPA

..PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Chandan Singh Rana, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Karan Padam, Advocate,
for respondent No.2.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks quashing of FIR No.273, dated 06.11.2016, registered at Police Station Salem Tabri, District Ludhiana, under Section 377 IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 (for short 'the Act').

According to the allegations made in the FIR, the petitioner sodomized Amrinder Singh aged about 09 years old who is residing in the neighbourhood of the petitioner.

Learned counsel for the petitioner submits that the trial is still in progress and during the pendency thereof, the parties have entered into a compromise dated 08.05.2018. Thus, the FIR and all consequential proceedings may be quashed.

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Learned State counsel opposes the prayer on the ground that the petitioner has committed a heinous offence. A minor is involved in this case and the petitioner has violated the trust that is normally reposed in a person residing in the neighbourhood. The victim has supported the case of the prosecution in his statement recorded under Section 164 Cr.P.C. The trial is nearing completion as out of a total of 09 PWS, 06 have already been examined. Thus, according to him, the petition deserves to be dismissed.

It is true that a compromise has been reached during the pendency of the trial. However, it is to be noted, that the petitioner himself is not a party to the compromise. His father has entered into the compromise on his behalf. Thus, the same cannot be held to be binding upon the petitioner. Further, according to the terms of the compromise, the petitioner is required to go away from the locality and never to visit the same again. It appears that the complainant has been pressurized to reach a settlement and such a settlement cannot be relied upon for quashing. Moreover, the petitioner has committed a heinous offence and such an offence cannot be treated to be a personal wrong which may be compounded by the victim or his guardian. Under the circumstances, I do not see any good ground for quashing of the FIR.

The petition is accordingly dismissed.

March 11, 2019

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No