

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-39461 of 2018

Date of Decision: 28-2-2019

Pawan and another

...Petitioners

v.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr.S.K.Tandon, Advocate
for the petitioners.

Mr.Arun Kumar, AAG, Haryana.

RAJ SHEKHAR ATTRI, J. (ORAL)

By invoking Section 482 of the Code of Criminal Procedure, the petitioners have prayed for quashing of FIR No.96 dated 4.5.2017, under Sections 10, 18 of the Protection of Children from Sexual Offence Act, 2012 and Sections 452, 506 of the Indian Penal Code, registered at Police Station Chhapar, District Yamunanagar and subsequent proceedings arising therefrom on the basis of compromise dated 17.8.2018 (Annexure P-2).

In the present case, the FIR was registered on the statement of Des Raj – respondent No.3. Now, dispute between the parties has been resolved.

A bare perusal of the report of learned Additional Sessions Judge, Yamunanagar at Jagadhri reveals that the prosecutrix has admitted that she is residing with petitioner No.1 being his wife since since 13.8.2018. Now they are residing happily as husband and wife.

Learned counsel for the petitioners as well as learned State counsel have not disputed that the parties 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.96 dated 4.5.2017, under Sections 10, 18 of the Protection of Children from Sexual Offence Act, 2012 and Sections 452, 506 of the Indian Penal Code registered at Police Station Chhapar, District Yamunanagar and all subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioners.

February 28, 2019

**(RAJ SHEKHAR ATTRI)
JUDGE**

RC

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No