

121.

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

CRM-M-40845-2018

Date of decision:16.05.2019

NIKHIL

... Petitioner

versus

STATE OF HARYANA AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana,
for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.124 dated 21.05.2016 registered under Section 366-A, 342, 323, 506, 34 of IPC and Section 8 of POCSO Act (Section 8 of POCSO Act was deleted lateron and Section 10 of POCSO Act and Sections 363, 354 of IPC were added lateron during investigation) at Police Station Farrukhnagar, District Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 28.08.2018 (Annexure P-2).

This Court vide order dated 17.01.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Principal Magistrate, Juvenile Justice Board, Gurugram and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 20.04.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, out of their free will and there is no element of fraud, pressure, fear or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Kajal Kumari but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 18.02.2019 to the effect that she has compromised the matter with the petitioner (juvenile) without fear, pressure or undue influence. As per the compromise, the petitioner has tendered apology and the complainant has given him an opportunity to improve his conduct. She does not want to initiate any proceeding against the petitioner.

Having heard learned State counsel and after going through the report of the learned Principal Magistrate, Juvenile Justice Board and the statement of the complainant, this Court finds that no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R. The FIR qua the other persons has already been quashed.

Since the matter has been compromised between the parties and none of the parties is a loser, rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society, continuance of criminal prosecution would be an exercise in futility

Moreover, in the similar circumstances, the FIR qua the other co-accused, namely, Jatin, Ravi and Manjeet has already been quashed by this Court vide order dated 26.02.2018 passed in ***CRM-M-47379-2017*** titled as ***Jatin and others Versus State of Haryana and another.***

Thus, 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 F.I.R. No.124 dated 21.05.2016 registered under Section 366-A, 342, 323, 506, 34 of IPC and Section 8 of POCSO Act (Section 8 of POCSO Act was deleted lateron and Section 10 of POCSO Act and Sections 363, 354 of IPC were added lateron during investigation) at Police Station Farrukhnagar, District Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 28.08.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

16.05.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No