

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

**CRM-M No.50912 of 2018 (O&M)
Date of Decision: 28.02.2019**

CHAMKAUR SINGH AND ORS

.....Petitioners

Versus

STATE OF PUNJAB AND ORS

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. J.K. Singla, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Kashish Garg, Advocate
for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of FIR No.26 dated 22.04.2018 (**Annexure P-1**), under Sections 9/10/11 of the Prohibition of Child Marriage Act, 2006, registered at Police Station Cheema, District Sangrur along with all consequential proceedings arising therefrom on the basis of compromise dated 02.05.2018 (**Annexure P-2**) entered into between the parties i.e. petitioners as well as respondents No. 2 and 3.

As per the allegations in the FIR, it has been alleged that on 15.04.2018 complainant-respondent No.2 came to know that accused-petitioners No. 1,3 and 5 trying to get marry respondent No.4 without her consent. On this,

the complainant-respondent No.2 alongwith his father, mother, wife and respondent No.3 went to the house of petitioner No.1 to stop the marriage as respondent No.4 was allegedly a minor. Since the accused persons did not accede to the request of complainant-respondent No. 2, then respondent No.3 was left for giving information at Police Station Cheema and then respondent No.3 has came back with some police officials in the house of petitioner No.1 and stopped the marriage.

Heard learned counsel for the parties and perused the paper book.

On 30.01.2019, the following order was passed by this Court:

“It is contended that the matter has been compromised between the parties and respondent No.4-Bhagpreet Kaur after attaining the age of majority has solemnized the marriage with petitioner No.6-Kewal Singh on 09.10.2018.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 14.02.2019 to get their statements recorded with reference to the compromise, if any, entered into between them. Learned Illaqa Magistrate/trial Court is requested to record the statements of all accused, complainant/injured and victim, if any and submit a report along with the recorded statements to this Court before the next date of hearing containing the following information:-

- (i) Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner?*
- (ii). Whether the compromise effected between the parties is genuine and valid?*
- (iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).*
- (iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.*
- (v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.*

List before this Court on 28.02.2019 for further consideration. Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection or not?

Copy of this order be sent to learned Judicial Officer concerned forthwith for information and compliance. ”

In terms of above order, the statements of the parties were recorded by learned Sub Divisional Judicial Magistrate, Sunam and submitted a report dated 18.02.2019. The operative part of the same reads as under:-

'The compromise has been effected without any pressure, coercion and undue influence and same is genuine one.'

A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence and no one has been declared as proclaimed offender in this case.

On instructions from ASI Mithu Ram, learned State Counsel has acknowledged the above fact and further stated that he has no objection in case the present FIR as well as all other consequential proceedings are quashed on the basis of the compromise effected between the parties. Even before this Court also, there is no objection by either of the parties in case the present FIR is quashed.

In view of above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public peace and tranquility and the parties are living happily after solemnising the marriage between petitioner No.6 and respondent No.4 on attaining the age of majority, thus quashing of FIR in question along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice. Consequently, the

present petition is allowed and the aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners.

February 28, 2019
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>