

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-27767-2019 (O&M)
Date of Decision:- 11.9.2019

Kulwinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashok Giri, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab,
assisted by SI Narpinder Singh.

Mr. Ravi Rana, Advocate, for respondents No.2 and 3.

GURVINDER SINGH GILL, J. (Oral)

1. The present petition has been filed for quashing of FIR No.90, dated 3.5.2019, registered at Police Station Ajnala, District Amritsar, under Sections 376, 506 IPC and Section 4 of POCSO Act, and proceedings emanating therefrom on the basis of a compromise having been effected between the parties.
2. Vide order dated 3.7.2019 the parties had been directed to appear before the Illaqa Magistrate/trial Court so as to get the statements recorded.
3. Report of learned Sub Divisional Judicial Magistrate, Ajnala, has been received to the effect that statement of prosecutrix Karandeep

Kaur as well as of her mother Sarabjit Kaur have been recorded to the effect that they have compromised the matter with the accused and do not wish to pursue with the FIR and that the same may be quashed. Learned Sub Divisional Judicial Magistrate, Ajnala, opined that the compromise has been effected voluntarily and out of the free will of the complainant/prosecutrix.

4. Learned counsel for the petitioner has further submitted that in fact the petitioner has solemnized marriage with the prosecutrix and in this regard has referred to the photographs, annexed with the petition as Annexure P-4 and also to the copy of *panchayatnama* annexed with the petition as Annexure P-5 wherein with the intervention of the Panchayat, both the families had resolved the matter and get the marriage of the prosecutrix solemnized with the petitioner. The prosecutrix has herself furnished an affidavit regarding her marriage with the petitioner which has been annexed as Annexure P-6. The aforestated position has been duly endorsed by counsel for the complainant.
5. In view of the aforestated position wherein the parties have not only compromised the matter but have solemnized marriage as well, it will not serve any purpose to force the petitioner to face prosecution especially when better sense seems to have prevailed and the parties have solemnized marriage. As such, bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the petition is allowed and FIR No.90, dated 3.5.2019, registered at Police Station

Ajnala, District Amritsar, under Sections 376, 506 IPC and Section 4 of POCSO Act, and all the consequent proceedings arising therefrom are hereby quashed qua the petitioner.

September 11, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No