

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

CRM-M-30015-2019 (O&M)
Date of Decision:-27.11.2019

Harvinder Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jagdeep Singh Chahal, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab,
assisted by ASI Bahadur Singh.

Mr. Saurav Bhatia, Advocate for respondents No.2 and 3.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking quashing of FIR No.41 dated 18.6.2012 registered at Police Station Balongi, District SAS Nagar under Section 376 of Indian Penal Code, 1860, wherein offence under Section 4 of POCSO Act was added lateron, and all subsequent proceedings emanating therefrom on the basis of a compromise effected between the parties.

The FIR was lodged at the instance of Vijay Gupta, wherein allegations have been levelled broadly to the effect that the petitioner had raped his daughter.

Pursuant to directions issued by this Court on 17.7.2019, statements of the victim as well as of the petitioner have been recorded, who

have both stated that they have compromised the matter and have solemnized marriage. The victim in her statement has categorically stated that she has been residing with the petitioner as his wife and they have been blessed with a child and that she does not intend to pursue with this case and has no objection for quashing of the FIR.

The learned Principal Magistrate, Juvenile Justice Board, Mohali has specifically opined that the parties have entered into compromise voluntarily without there being any pressure, coercion or undue influence.

The petition is also accompanied by an affidavit of the complainant i.e. Sh. Vijay Gupta, father of the victim, wherein also he has deposed that he does not wish to pursue with the FIR as his daughter has solemnized marriage with the petitioner.

Keeping in view the aforesaid factual position, wherein the victim and the accused have not only solemnized marriage but are also stated to be residing together as husband and wife and that the victim does not wish to pursue with the matter and while 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 accepted and FIR No.41 dated 18.6.2012 registered at Police Station Balongi, District SAS Nagar under Section 376 of Indian Penal Code, 1860, wherein offence under Section 4 of POCSO Act and all subsequent proceedings emanating therefrom are hereby quashed qua the petitioner.

27.11.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether reasoned/speaking

Yes / No

Whether reportable

Yes / No