

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

CRM-M-32160 of 2019.

Decided on:- November 15, 2019.

Balvir Pal and another

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Nagar Singh, Advocate
for the petitioners.

Mr. Saurav Khurana, D.A.G., Punjab.

Mr. Vikasdeep Singh, Advocate
for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.35 dated 04.03.2019 under Sections 354 and 342 IPC as well as Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Sultanpur Lodhi, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 19.07.2019 (Annexure P-3).

This Court vide order dated July 30, 2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the parties had appeared before learned Sub-Divisional Judicial Magistrate, Sultanpur Lodhi and got their statements recorded on 28.08.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 03.09.2019 to the effect that both the parties have effected compromise which is *bona fide*, genuine and valid and is not the result of any threat, pressure or undue influence etc. in any manner.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Manpreet Kaur, who is minor daughter of Ravi. Her father Ravi has made a statement before learned Magistrate in support of the compromise on 28.08.2019, which reads as under:

“Stated that, I am father of victim Manpreet Kaur, who is minor. I on behalf of my daughter Manpreet Kaur have compromised the matter with petitioners/accused Balvir Pal son of Gurdial Singh and Amandeep Kaur (minor) daughter of Satpal, both residents of village Dera Saidan, Tehsil Sultanpur Lodhi, District Kapurthala, through her mother Ninder wife of Satpal, resident of village Dera Saidan, Tehsil Sultanpur Lodhi, District Kapurthala, voluntarily without any pressure, threat or coercion with the intervention of respectables of the locality and our relatives, to keep harmony amongst the parties. I have no objection, if the present FIR against petitioners/accused be quashed.”

Learned counsel for respondent No.2-complainant has submitted that as the matter has been compromised between the parties, the complainant has no objection in case the present FIR is quashed qua the petitioners. Memo

of appearance filed on behalf of respondent No.2-complainant in Court, is taken on record.

Learned State counsel has also not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

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*, the present petition is allowed and the FIR No.35 dated 04.03.2019 under Sections 354 and 342 IPC as well as Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Sultanpur Lodhi, District Kapurthala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 19.07.2019 (Annexure P-3).

November 15, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No