

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

CRM-M-33880 of 2019.

Decided on:- December 03, 2019.

Balvir Singh.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Parminder Singh, Advocate
for the petitioner.

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

Mr. Arun Abrol, 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.58 dated 02.04.2019 under Section 354-A IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Raman, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 06.08.2019 (Annexure P-2).

This Court vide order dated 21.08.2019 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 petitioner as well as respondent No.2-complainant have appeared before learned Sub Divisional Judicial Magistrate, Talwandi Sabo and got their statements recorded in support of the compromise on 24.09.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 26.09.2019 to the effect that the compromise effected between the parties is genuine, voluntary and without any pressure, coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Pooja Rani. She has already made a statement in support of compromise before learned Magistrate on 24.09.2019, which reads as under:

“Stated that matter has been compromised with the petitioner/accused namely Balvir Singh son of Puran Singh, resident of village Bagha, Tehsil Talwandi Sabo, District Bathinda, voluntarily and without any threat, coercion or undue influence. It is further submitted that there is no other accused other than the petitioner of the present petition. The present FIR may kindly be quashed on the basis of the compromise.”

Learned counsel for the petitioner states that the petitioner and the complainant belong to same village and the matter has been compromised between them with the intervention of respectable persons and relations. He has referred the judgment of this Court in ***Varinder Singh and others Versus State of Punjab and others 2019(1) AICLR 835*** to contend that the FIR under the POCSO Act can be quashed on the basis of compromise.

The factum of compromise has not been disputed by learned counsel for respondent No.2-complainant.

Learned State counsel also does not dispute the factum of compromise between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioner 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* as well as the judgment of this Court in *Varinder Singh and others' case (supra)*, the present petition is allowed and the FIR No.58 dated 02.04.2019 under Section 354-A IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Raman, District Bathinda (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise deed dated 06.08.2019 (Annexure P-2), however, subject to payment of total costs of Rs.5,000/- to be paid by the petitioner to the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh within a period of one month from today.

December 03, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No