

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-61474-2018

Date of Decision:-15.05.2019.

Vikas @ Vishal @ Kali and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Vinod K. Kaushal, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Gurjinder, Advocate for

Mr. Swapan Shorey, Advocate for respondent Nos.2 and 3.

RAJ SHEKHAR ATTRI, J.

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.11 dated 11.01.2017 under Sections 363, 366 of the Indian Penal Code and Section 6 of the POCSO Act, 2012, registered at Police Station Sadar Amritsar, District Police Commissionerate, Amritsar and proceedings emanating therefrom, on the basis of compromise (Annexure P-2) arrived at between the parties.

It has been submitted that the petitioner and prosecutrix have already been married and they have been blessed with a daughter as per Birth Certificate dated 09.10.2018 (Annexure P-3).

In the present case, the FIR was registered on the statement of

Jagdish Kumar son of Bal Kishan father of the prosecutrix on the basis of suspicion. Now dispute between the parties has been resolved by way of compromise Annexure P-2.

Vide order dated 08.03.2019, the parties were directed to appear before the trial Court to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Judicial Magistrate 1st Class, Amritsar wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter, without any coercion or pressure.

Counsel for the State and respondent No.2 have not disputed that the parties i.e. petitioners and respondent No.2 (complainant) have arrived at a settlement with an intent to give burial to their differences.

Perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 Cr.P.C. Keeping in view authoritative enunciation of law laid down by Hon'ble the Supreme Court in 'Gian Singh v. State of Punjab and another', 2012 (4) R.C.R. (Criminal) 543 and in the light of facts and circumstances discussed hereinbefore, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that the same are put to an end.

For the foregoing reasons, the petition is allowed, FIR No.11 dated 11.01.2017 under Sections 363, 366 of the Indian Penal Code and Section 6 of the POCSO Act, 2012, registered at Police Station Sadar

emanating therefrom stand quashed qua the petitioners.

(RAJ SHEKHAR ATTRI)
JUDGE

May 15, 2019.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.