

**219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-12831-2020
Date of decision: 21.7.2020

Adarsh

.....Petitioner.

vs.

State of Haryana and others

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Ram Bilas Gupta, Advocate for the petitioner.

Mr. Ravinder Dhull, Additional Advocate General, Haryana.

Mr. Rajesh Bansal, Advocate for the complainant.

.....

Sanjay Kumar, J. (ORAL)

The petitioner is the accused in FIR No. 114 dated 05.06.2019 on the file of Police Station Dhauj, District Faridabad, registered under Sections 363, 366-A IPC. Thereafter, Section 6 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act') was also added. By way of this petition filed under Section 482 Cr.P.C., he seeks quashing of the FIR on the ground that a compromise was arrived at by and between the parties on 18.3.2020.

The petitioner and the victim, the third respondent herein, were both minors at the relevant time. They were known to each other and participated in various Scouts and NCC programmes. The third respondent was stated to have left with the petitioner on 3.6.2019. Her mother, the second respondent, lodged the complaint, which led to registration of the FIR, alleging that her daughter eloped with the petitioner. It appears that the parties thereafter settled the matter amicably and a written compromise was recorded on 18.3.2020 (Annexure P-4). The mother and daughter, respondents No. 2 and 3, stated therein that they did not wish to proceed with the criminal case registered against the

petitioner.

As the petitioner and the third respondent are still in the first blush of youth and the impact of these criminal proceedings would cast a long shadow on their futures, this Court was inclined to accept the compromise. An order was accordingly passed on 25.6.2020 requiring the parties to appear before the learned Sessions Judge, Faridabad, so that their statements could be recorded to obviate any possibility of retraction at a later date.

Pursuant to the aforestated order, statements were recorded by Ms. Jasmine Sharma, the learned Additional Sessions Judge, Faridabad and a report was submitted by her to the effect that the compromise was genuine, voluntary and out of the free will and volition of the complainant, the prosecutrix and the child in conflict with the law viz., the petitioner.

Perusal of the statements made by the parties and the aforestated report puts it beyond the pale of doubt that the case, even if it is allowed to progress in the usual course, would not bear any fruitful result as the complainant is no longer desirous of pursuing it. Further, as already noted earlier, the petitioner and the third respondent are very young and prolonging these proceedings unnecessarily would only cause them avoidable inconvenience and loss of reputation. There is also no evidence of actual commission of an offence under the POCSO Act, warranting that this Court take a stricter view.

This Court is therefore of the opinion that this is a fit case for exercise of inherent powers so as to give a quietus to the issue. Reference, in this regard, may be made to '*Gian Singh vs. State of Punjab*', [2012

under Section 482 Cr. P.C. should be exercised by the High Court to quash an offence which is not heinous in nature where the parties have resolved their entire dispute. The observations of the Supreme Court in '*Narender Singh vs. State of Punjab and others*' [2014 (6) SCC 466] are also of guidance. Therein, the Supreme Court laid down the principles and guidelines to be kept in mind while dealing with quashing of FIRs pertaining to non-compoundable offences. The Supreme Court pointed out that where quashing of the criminal proceedings would meet the ends of justice and prevent abuse of process of the Court, such an FIR should be quashed. It was further observed that the Court should examine as to whether the possibility of conviction was remote and bleak and whether continuation of the criminal case would put the accused to great oppression and prejudice apart from causing him extreme injustice.

In the case on hand, not only the accused but also the third respondent would suffer by the progression of this case to its logical, yet futile, end, owing to the complainant's lack of interest in proceeding further.

In the light of the aforestated facts and the settled legal position, this petition is allowed and FIR No. 114 dated 05.06.2019 on the file of Police Station Dhauj, District Faridabad, and all proceedings pertaining thereto are hereby quashed.

(SANJAY KUMAR)
JUDGE

21.7.2020

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no