

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

CRM-M-18263 of 2019.

Decided on:- January 21, 2020.

Sanyam.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Mohit Garg, Advocate for the petitioner.

Ms. Priyanka Sadar, A.A.G., Haryana.

Mr. Ashish Yadav, 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.480 dated 12.09.2018 under Section 12 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Sector 9-A, Gurugram, District Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 18.03.2019 (Annexure P-2).

This Court vide order dated July 18, 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 Principal Magistrate, Juvenile Justice Board, Gurugram and got their statements recorded on 09.09.2019. On the basis of the statements so recorded by the parties, report dated 05.10.2019 along with statements of the parties

was received from learned Magistrate to the effect that the compromise between the parties is genuine, it was voluntarily effected out of free will of the parties and there is no element of fraud, pressure, fear or undue influence.

Since there was some mistake in the statement of the mother of the victim, this Court vide order dated November 01, 2019 had directed the parties to appear again before learned Illaqa Magistrate/trial Court on 26.11.2019 and get the mistake in the statement rectified. Pursuant thereto, the parties have again appeared before learned Principal Magistrate, Juvenile Justice Board, Gurugram on 27.11.2019 and fresh statement was made by Ms. Kumkum, the mother of victim on 27.11.2019.

As per the statement of the mother of victim, the matter has been compromised with the juvenile (petitioner herein) and his family without any greed or pressure or influence and taking into consideration the future of the juvenile, they have pardoned him. The family members of the juvenile have assured that in future, he will not commit such like mistake. Since the parties are residing in the same city, they never want that the juvenile remains under tension. The complainant is not interested to continue with the case and they have no objection in case the FIR is quashed.

Learned counsel for respondent No.2-complainant fairly admits the very factum of compromise. He submits that the mother of respondent No.2 has made statement before learned Magistrate voluntarily and she has no objection in case the present FIR is quashed.

Learned State counsel submits that the petitioner had exposed his private part before the victim-child and the child ran away after being scared

and told her parents. By the time, her parents had come to the spot, the petitioner had already fled away from there.

Having heard learned counsel for the parties and considering the fact that the petitioner is a juvenile and the complainant has suffered a statement before learned Principal Magistrate, Juvenile Justice Board in support of compromise, 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*, the present petition is allowed and the FIR No.480 dated 12.09.2018 under Section 12 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Sector 9-A, Gurugram, District Gurugram (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise deed dated 18.03.2019 (Annexure P-2), however, subject to payment of Rs.20,000/- as costs to be deposited by the petitioner with the Bar Association of this Court within a period of one month from today.

January 21, 2020

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No