

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

(211)

CRM-M-28806-2020 (O&M)

Date of decision : 4.11.2020

Aryan

... Petitioner

VERSUS

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Raman Chawla, Advocate,
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Sushil Kumar Sharma, Advocate,
for respondents No.2 and 3.

KARAMJIT SINGH, J.(Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

Prayer in this petition is for quashing of FIR No.82 dated
4.7.2020 registered under Section 3 of Scheduled Caste and Scheduled
Tribe (Prevention of Atrocities) Act, Section 8 of Protection of Children
from Sexual Offences Act and Section 506 of Indian Penal Code at Police
Station City Bapoli, District Panipat on the ground of compromise
(Annexure P-5).

The above stated FIR was registered on the statement of the
respondent No.3 (minor). Respondent No.2 is her mother.

During the course of preliminary hearing, the trial Court/Illaq
Magistrate was directed to record the statements of the all the concerned
parties with regard to genuineness and validity of the compromise vide

Report has been received from Sub Divisional Judicial Magistrate, Samalkha, in terms of which respondent No.3 (Minor) and accused, namely, Aryan had appeared there and their statements were recorded, in which they have admitted to have entered into a voluntary compromise, without any pressure, coercion, undue influence and inducement from any quarter. Respondent No.3 was identified by her mother at the time of recording of her aforesaid statement in the Court. Further, the complainant has stated that she has no objection if the FIR in question is quashed by this Court. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. Along with the report statement of the complainant and the accused, have been annexed.

As per the allegations in the FIR, respondent No.3 (minor) who was studying in 7th class went to the shop at about 9:15 a.m. on 3.7.2020 and when she was coming back, the petitioner who was studying in her school in 11th class, came there and caught hold her mouth and started pulling her hair and tried to molest her, on which, she raised alarm and then the petitioner fled away from there after giving threat to her.

I have heard learned counsel for the parties and gone through the record.

Admittedly, in this case, the petitioner and respondent No.3 were minor at the time of the alleged occurrence. It is proved on record that the parties have amicably settled their dispute by means of compromise Annexure P-5.

Counsel for the parties are *ad idem* that in view of the settlement of dispute between the parties, the criminal prosecution is liable to be quashed as per compromise Annexure P-5.

In a decision based on compromise, none of the parties is a loser. Rather a compromise not only brings peace and harmony between the parties to a dispute but also restores peace in the society. After considering the nature of the offence allegedly committed by the petitioner and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility as the chance of ultimate conviction are very bleak.

Consequently, keeping in view the fact of dispute having been amicably settled and in view of law laid down by Hon'ble Supreme Court in **Narinder Singh and others v. State of Punjab and another**; (2014) 6 SCC 466, this petition is allowed and aforesaid FIR No.82 dated 4.7.2020 registered under Section 3 of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, Section 8 of Protection of Children from Sexual Offences Act and Section 506 of Indian Penal Code at Police Station City Bapoli, District Panipat along with ancillary proceedings is hereby quashed.

Needless to mention that both the parties will abide by the terms and conditions of the compromise Annexure P-5 in letter and spirit.

(KARAMJIT SINGH)
JUDGE

November 4, 2020
Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No