

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-33632-2020

Date of decision: 28.10.2020

Mann Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr. Amandeep Chhabra, Advocate, for the petitioner.

SUVIR SEHGAL J. (ORAL)

The hearing of the petition has been taken up through video conferencing on account of situation having arisen due to outbreak of Corona Virus (Covid-19).

Through the instant second petition filed under Section 482 of the Code of Criminal Procedure, 1973, the petitioner seeks quashing of FIR No.99 dated 08.06.2020, registered under Sections 354-A and 506, IPC and Section 10 of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') at Police Station Kotwali, District Bathinda, Annexure P-1, along with all consequential proceedings arising therefrom on the basis of a Panchayati Compromise, Annexure P-2.

As per the version recorded in the FIR, the accused-petitioner is an auto driver and had been engaged by the complainant, who is the father of the victim, to pick and drop his children from the

school. The allegation against the petitioner is that of repeatedly kissing the eight years old daughter of the complainant. When the wife of the complainant protested against the immoral act of the petitioner, he started boarding the children in another auto rickshaw on their way. Due to the unionism amongst the auto-rickshaw/van drivers, the other auto owners refused to take the children of the petitioner to school. The petitioner was arrested and is in custody since 08.06.2020.

Counsel for the petitioner has relied upon a Panchayati Compromise dated 07.10.2020, Annexure P-2, entered into between the accused-petitioner, complainant and the victim to urge that the dispute between them has been settled in the presence of the respectables of the area and on that basis the FIR and all subsequent proceedings deserve to be quashed.

I have considered the submissions made by the counsel.

The first petition for quashing on the basis of a compromise allegedly executed between the parties came up for hearing before this Court on 05.10.2020. Upon notice, counsel for the complainant opposed the petition by urging that the alleged compromise had been arrived at by pressurising the complainant. The petition was dismissed by observing that sexual offences involving children of a tender age are an affront to the dignity and privacy of the children and exploitation of their vulnerability. Such serious and heinous offences cannot be permitted to be quashed.

The present petition has been filed on the basis of a compromise, Annexure P-2, allegedly executed on 07.10.2020, which is

shown to bear the signatures of the accused (Mann Singh) besides that of the complainant, victim and two witnesses. As per record, the accused-petitioner continues to be in custody since 08.06.2020. Counsel for the petitioner could not explain as to how the alleged compromise came to be signed by the accused-petitioner in the presence of the witnesses, besides others, when the accused is in incarceration and his petition for bail was rejected by this Court on 04.09.2020. This, in itself, casts a serious doubt upon the veracity of the alleged compromise.

The observations made by the Supreme Court in ***Deputy Inspector General Versus S.Samuthiram***, 2013(1) RCR (Criminal) 329, deserve to be noticed.

“More and more girls students, women etc. go to educational institutions, workplaces etc. and their protection is of extreme importance to a civilized and cultured society.”

In view of the above backdrop, the second petition for quashing of the first information report and proceedings subsequent thereto deserves to be dismissed at the threshold.

Dismissed.

28.10.2020

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No