

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

274

CRM-M-37045-2019

Date of Decision:20.01.2020

Rohit Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Amaninder Preet, Advocate,
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. K.S. Mamrat, Advocate for
Mr. Hitesh Mittal, Advocate,
for respondent Nos.2 to 7.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0081 dated 11.05.2019 under Section 354-D IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Pasyana, District Patiala (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 19.08.2019(Annexure P-2).

The present FIR was registered at the behest of Harpreet Singh, who is an auto rickshaw driver and used to take the girl students to school and to drop them at their residence from the school. As per FIR on 08.05.2019, when the complainant was taking the girl students to village Jahlan after picking them from school at about 2.15 PM and has reached

near village Dhammo Majra at about 2.40 PM, petitioner who was travelling on his activa scooter came from the backside and started teasing the girls by making obscene gestures. When the complainant stopped his auto rickshaw, petitioner quickly drove his scooter and ran away.

This Court vide order dated September 04, 2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Additional District & Sessions Judge, Patiala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 23.10.2019 to the effect that the parties have compromised the matter genuinely, voluntarily and out of their free will.

Respondent No.2-complainant, namely, Harpreet Singh, has made a statement with regard to compromise before learned ASJ, Patiala on 22.10.2019. The same is reproduced as under:-

“Stated that I have got registered FIR No.81 dated 11.5.2019 under sections 354-D IPC and 12 of POCSO Act at P.S. Passiana against accused Rohit Singh. The police had recorded my statement on 11.5.2019 which was countersigned by Lakhwinder Singh, Krishan Singh, Sukhwinder Kaur and thumb marked by Darshan Singh. Now with the intervention of respectables, the matter has been compromised vide Ex.P1 and this compromise is genuine, voluntary and without any coercion or undue influence. I am making my statement without any threat, pressure or inducement from any person. I do not dispute the genuineness of the compromise deed Ex.P1 (original seen and returned) on the basis whereof quashing proceedings have been filed in the Hon'ble High Court. The parties will

abide by the terms and conditions mentioned in the compromise deed Ex.P1. I am placing on record my self attested copy of aadhar card.”

Learned counsel for the petitioner has argued that the matter has been compromised between the parties. Respondent No.2 and respondent Nos.3 to 7 along with their respective parents have suffered statements in favour of the petitioner admitting the very factum of compromise as respondent Nos.3 to 7 are minor children.

Statements of the victims along with their parents have been attached with the report submitted by learned Magistrate and as per report dated 23.10.2019, complainant-Harpreet Singh and the victims including the alleged eye-witnesses have suffered separate statements on similar lines and they do not dispute the fact that the matter has been compromised between them.

Learned counsel for respondent Nos.2 to 7 fairly admits the very factum of the compromise arrived at between the parties. He refers to Panchayati compromise(Annexure P-2) and submits that the parties have no objection if the FIR is quashed.

Learned State Counsel has submitted that challan in the case has been presented and the case is now fixed for evidence of the prosecution witnesses. He also does not dispute the very factum of compromise.

Heard.

As per the report dated 23.10.2019 received from Additional Sessions Judge, Patiala, the compromise is found genuine, voluntarily and without any coercion or undue influence. Therefore, this Court has no hesitation to quash the FIR being based upon compromise. Accordingly, taking into consideration the nature of allegations and the fact that the

matter has been compromised between the parties, this Court finds that no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

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*, this petition is allowed and FIR No.0081 dated 11.05.2019 under Section 354-D IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Pasyana, District Patiala (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 19.08.2019(Annexure P-2).

It is further directed that in case the petitioner has been issued the driving licence in his name, he shall hand over/surrender the same to the police authority and he shall not ply vehicle for a period of one year. The police shall also verify the genuineness of the driving licence, if issued in his name.

January 20, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No