

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

271

CRM-M-39003-2019

Date of Decision:31.01.2020

Dev Raj

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Manoj Pundir, Advocate,
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. Bhupender Singh, Advocate for
Mr. Udeyveer Singh, 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.84 dated 29.04.2019 under Section 354-A IPC and Section 8 of the POCSO Act, 2012, registered at Police Station Haibowal, District Ludhiana(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 30.07.2019 (Annexure P-3).

This Court vide order dated 13.09.2019 had directed the parties to appear before the trial Court/Illaq Magistrate 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, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Additional District & Sessions Judge, Ludhiana has submitted report dated 15.10.2019 to the effect that the compromise is genuine, voluntary and without any coercion or undue influence.

Respondent No.2-complainant, namely, Seema Rani, has made a statement with regard to compromise before learned Additional District & Sessions Judge, Ludhiana on 11.10.2019. The same is reproduced as under:-

“ Stated that I have compromised the matter with the accused out of my free will, without any pressure, threat or coercion from any quarter. No person has been declared as proclaimed offender in the present case. Therefore I have no objection if the present FIR against the accused be quashed. I have brought my original aadhar card today in the court and has placed on record copy of the same as Mark-A.”

Learned State counsel as well as counsel for respondent No.2 have not disputed the factum of compromise between the parties.

Learned counsel for the petitioner states that the allegation against the petitioner is that he pulled the skirt of the prosecutrix.

Considering the nature of allegations and the fact that the matter has been compromised between the parties, the present FIR deserves to be quashed.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Thus, following the principles laid down by the Full Bench

Punjab and another 2007 (3) RCR (Criminal) 1052, as 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.84 dated 29.04.2019 under Section 354-A IPC and Section 8 of the POCSO Act, 2012, registered at Police Station Haibowal, District Ludhiana(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 30.07.2019 (Annexure P-3).

January 31, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No