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

CRM-M-40720-2019

Date of decision: 03.02.2020

PARMINDER SINGH BEDI

... Petitioner

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Vipin Mahajan, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab,
for respondent No.1.

Mr. Vishal Munjal, 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 F.I.R. No.41 dated 20.05.2017 registered under Section 354-A of IPC and Sections 4, 12, 18 of POCSO Act, 2012 at Police Station Dera Baba Nanak, Police District Batala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 14.09.2019 (Annexure P-6).

This Court vide order dated 23.09.2019 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 Sessions Judge, Gurdaspur and got their statements recorded. On the basis of the statements so recorded, learned Additional Sessions Judge has submitted report dated 10.12.2019 to the effect that the compromise is genuine and valid, and has been effected between the parties without any pressure or coercion.

Respondent No.2-complainant, namely, Dimple has made her statement with regard to compromise before learned Magistrate on 18.11.2019. The same is reproduced as under:-

“Stated that my date of birth is 05.06.2000 and I was studying in 10+2 Arts at Government Girls Senior Secondary School, Dera Baba Nanak in the month and year May 2017. I did not complete my 10+2 class after the registration of present FIR. I given up my study due to my teacher Kamaljit Kaur Sodhi as she was forcing me to depose against Parminder Singh Bedi, who was my class teacher, who is also present in the court today as he never commit anything wrong with me. There was no fault of Parminder Singh Bedi my teacher as alleged in the present FIR. He was innocent. I have no objection to get cancel the present FIR registered against him. I am making my this statement with my free will and without any pressure of anybody. Today, I have brought original my date of birth proof certificate of matriculation as well as original Adhar Card with me and copies of the same are Annexure P-1 and P-2. (Original seen and returned). I have not any ill will against Parminder Singh Bedi. Today, my mother Paramjit Kaur and Sarpanch of my village namely Makhan Singh have come with me. They are sitting in the court premises. During the investigation of present case, police got recorded my statement as I was forced to make statement against Parminder Singh Bedi by my class teacher Kamaljit Kaur Sodhi. Even, I

was forced to make statement under Section 164 Cr.P.C. before the Illaqa Magistrate under the pressure of my teacher Kamaljit Kaur Sodhi. Parminder Singh Bedi did not commit anything wrong with me.”

Learned counsel for the petitioner submits that in the aforesaid FIR, investigation in the case was conducted by the police and cancellation report was presented before the learned Magistrate on 02.08.2017. However, the same was rejected by the learned Magistrate vide order dated 06.10.2017.

Learned counsel for respondent No.2 does not dispute the factum of compromise between the parties.

Learned State counsel also does not dispute the factum of compromise between the parties.

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

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 F.I.R. No.41 dated 20.05.2017 registered under Section 354-A of IPC and Sections 4, 12, 18 of POCSO Act, 2012 at Police Station Dera Baba Nanak, Police District Batala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 14.09.2019 (Annexure P-6), however, that would be subject to payment of costs of

Postgraduate Institute of Medical Education and Research (PGIMER),
Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

03.02.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No