

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

Crl. Misc. M- 45479-2019 (O&M)

Date of Decision: February 12, 2020

Akib Sattar

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Saqib Ali Khan, Advocate
for the petitioner.

Mr. Davinder Bir Singh, D.A.G., Punjab.

Mr. Anshul Gupta, Advocate
for respondent No.2.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 129 dated 19.11.2018 registered under Sections 376 of IPC and Section 6 of POCSO Act, 2012 at Police Station City-II, Malerkotla, District Sangrur (Annexure P/1) and all subsequent proceedings arising therefrom in view of the compromise dated 10.10.2019 (Annexure P/3).

The FIR has been registered on the statement of complainant-respondent No.2 on the allegations that the accused-petitioner committed rape on her on the pretext of marriage, at which time she was minor, which is also an offence punishable under POCSO Act, 2012. Learned counsel

further submitted that subsequently, the prosecutrix and the petitioner married each other and started living together as husband and wife. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from District and Sessions Judge, Sangrur, stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned Deputy Advocate General, Punjab, on instructions from the Investigating Officer submits that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

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

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 tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

Consequently, keeping in view the fact that the dispute has been amicably settled and prosecutrix married with the petitioner herein and both are living as husband and wife and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466**, this petition is allowed and FIR No. 129 dated 19.11.2018 registered under Sections 376 of IPC and Section 6 of POCSO Act, 2012 at Police Station City-II, Malerkotla, District Sangrur and all subsequent proceedings arising out of the same are quashed.

February 12, 2020
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No