

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

CRM-M-55909 of 2018.

Decided on:- February 04, 2020.

Sahil Seth.

.....Petitioner.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. Veneet Sharma, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, A.A.G., Punjab.

Mr. Sandeep Sharma, Advocate
for respondent No.4.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.42 dated 02.06.2015 under Sections 354, 341 and 506 IPC as well as Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 (added later on) registered at Police Station 'D' Division, Amritsar City, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 06.11.2018 (Annexure P-2).

This Court vide order dated December 17, 2018 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the parties had appeared before learned Additional Sessions Judge, Amritsar and got their statements recorded

on 07.01.2019. On the basis of the statements so recorded by the parties, learned Additional Sessions Judge, Amritsar has submitted the report dated 08.01.2019 to the effect that the parties have arrived at a compromise voluntarily and without any coercion or undue influence and parties have rendered the statements before the Court out of their free will and volition.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant. She has already made a statement before learned Additional Sessions Judge, Amritsar in support of compromise on 07.01.2019, which reads as under:

“Stated that FIR No.42 dated 02.06.2015, U/ss. 354, 341, 506 IPC and Section 7 and 8 of Protection of Children from Sexual Offences Act, 2012 was registered against the accused Sahil Seth at my instance. Now, with the intervention of respectable and common friends, a compromise has been effected voluntarily, between us and this compromise is without any pressure, threat, promise and coercion. I have no objection if the above said FIR is quashed against the accused. Copy of my Aadhar Card is Ex.P1.”

Similarly, respondents No.3 and 4, who are the father and mother of respondent No.2-complainant, respectively have also made their separate statements before learned Additional Sessions Judge, Amritsar on 07.01.2019 in support of compromise.

Learned counsel for respondent No.4 does not dispute the factum of compromise between the parties.

Learned State counsel has also not disputed the factum of compromise effected between the parties. She, however, states that after completion of investigation, Challan has been presented in the case.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioner shall be an abuse of the process of law.

Thus, 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*, the present petition is allowed and the FIR No.42 dated 02.06.2015 under Sections 354, 341 and 506 IPC as well as Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 (added later on) registered at Police Station 'D' Division, Amritsar City, District Amritsar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 06.11.2018 (Annexure P-2), however, subject to the condition that the petitioner shall serve Pingalwara, Amritsar for a period of 45 days from 07.00 A.M. to 09.00 A.M. in the morning. However, he shall have one day break in a week. He will submit a report as regard the service so rendered by him, duly countersigned by the Manager/authorised person of Pingalwara, Amritsar within two weeks thereafter.

February 04, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No