

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10808-2021 (O&M)

Date of Decision: 02.09.2021
(Heard through V.C.)

Pardeep Kumar

... Petitioner

VERSUS

State of Haryana and others

.... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. Sanchit Punia, Advocate
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana

Mr. Neeraj Madan, Advocate
for the complainant.

JAISHREE THAKUR, J.(Oral)

1. This is a petition has been filed for seeking quashing of FIR No. 180 dated 07.11.2020 registered under Section 506 IPC and Section 8 of POCSO Act at Police Station Partap Nagar, District Yamuna Nagar which was filed by complainant-respondent No.4, based on a compromise arrived at between the parties.

2. Learned counsel appearing on behalf of the petitioner would

contend that the statement of the prosecutrix has already been recorded, in which she has stated that she had moved a complaint before the police and has also stated that the matter has been settled before the Panchayat in a compromise arrived at, which has been placed on the record. Counsel prays for quashing of the present FIR on the basis of order rendered by the Coordinate Bench in CRM-M-25475-2020 decided on 01.09.2020 titled as ***Abdul Khalique and others vs. State of Punjab and others***, wherein in similar circumstances FIR registered under Sections 323, 354 and 506 of IPC and Sections 8 and 12 of the POCSO Act was ordered to be quashed on the basis of a compromise having been arrived at between the parties.

3. Notice of motion.

4. Ms. Mahima Yashpal, DAG, Haryana appearing through the medium of video conferencing accepts notice on behalf of the respondent-State. Learned State counsel opposes the quashing of the petition primarily on the ground that the arguments have almost concluded and the trial is at the fag end.

5. Mr. Neeraj Madan, Advocate has put in appearance on behalf of the complainant.

6. I have heard learned counsel for the parties and taken note of the statement given by the learned State counsel that the trial is at the fag end. I deem it appropriate not to entertain this petition at the present stage.

7. Faced with this, learned counsel for the petitioner would state that he does not press the instant petition and seeks to withdraw the same with liberty to raise all pleas before the trial Court and press into the

judgment relied upon as rendered in '*Abdul Khalique and others vs. State of Punjab and others*' before the trial Court.

8. In view of the statement made, this petition is dismissed as withdrawn, with liberty to the petitioner to take up all pleas at the appropriate stage before the trial Court including the observations in Abdul Khalique's case (supra) which shall be considered by the Court below as per law.
9. Other miscellaneous applications, if any, pending on date, are disposed of accordingly.

02.09. 2021

(JAISHREE THAKUR)
JUDGE

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Whether speaking/reasoned	Yes
Whether reportable	No