

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-9855-2020

Date of decision : 8.1.2021

Kashish @ Keshu @ Battery @ Keshav

... Petitioners

VERSUS

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Lupil Gupta, Advocate,
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Kanav Bansal, Advocate, for
Mr. Arun Gupta, Advocate,
for respondents No.2 and 3.

KARAMJIT SINGH, J.(Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The petitioner has approached this Court seeking quashing of
FIR No.357 dated 7.8.2019 registered under Sections 363, 366-A IPC at
Police Station Rajendra Park, Gurugram and all subsequent proceedings
emanating therefrom on the basis of compromise dated 29.2.2020
(Annexure P-2) effected between the parties.

The above stated FIR was registered on the basis of the
statement of respondent No.2-Surinder Kumar who is the father of
respondent No.3. At the time of the alleged occurrence, respondent No.3
was minor as her date of birth is 26.1.2002.

During the course of preliminary hearing, the Court below was
directed to record the statements of all the concerned parties with regard to

genuineness and validity of the compromise, vide order dated 6.10.2020.

The report of the Court concerned has been received, as per which, petitioner Kashish @ Keshu, respondent No.2-Surender Kumar and respondent No.3 appeared in the said Court and got recorded their statements with regard to the aforesaid compromise. The court below has reported that the matter in dispute has been compromised between the parties, without any pressure or undue influence and the same is genuine. As per the statement of Assistant Sub Inspector-Dharambir Singh, Investigating Officer, there is only one accused namely Kashish @ Keshu who is not a proclaimed offender.

I have heard the counsel for the parties.

Today, respondent No.3 appeared in this case through video conferencing and she also produced her Aadhar Card through whatsapp group. The same is taken on record.

Counsel for the petitioner and private respondents submit that the petitioner and respondent No.3 are now living together peacefully as husband and wife and as such, the criminal prosecution is liable to be quashed as per the compromise.

I have considered the submissions made by the counsel for the parties and respondent No.3.

FIR in this case under Sections 363, 366-A IPC was registered on the basis of the statement of respondent No.2 to the effect that on 5.8.2019 at about 8:00 p.m., his daughter respondent No.3 having date of birth 26.1.2002, left the house without informing anyone. He came to know that his daughter who was student of 12th class, was enticed by Kashish @

pairs of gold earrings.

It stands proved on the record that the parties have amicably settled their dispute by means of compromise (Annexure P-2).

In this case, learned State counsel filed reply, as per which, charge was framed against the petitioner under Section 366 IPC and the trial is going on.

Learned State counsel, on instructions from ASI Joginder Singh, has not denied the fact that even during the trial, respondents No.2 and 3 while appearing in the witness box had not supported the case of the prosecution. The certified copies of their statements are available on record. Even in her deposition before the trial Court, respondent No.3 deposed that she left the house of her own free will and thereafter, she performed the marriage with the petitioner on 8.2.2020 and now both of them are residing together happily. Even respondent No.2 stated that his daughter is residing happily with the petitioner and they got married on 8.2.2020.

Even today, during interaction with this Court through video conferencing, respondent No.3 has stated so. She has no objection if the present petition is allowed.

In view of the aforestated position, particularly the fact that the petitioner and respondent No.3 (victim) are presently residing together happily as husband and wife, this Court is of the view that no purpose would be served even if the criminal case is kept pending for any further period. Both the private respondents while appearing in the trial Court, have not supported the case of the prosecution. It also stands proved that the compromise has been entered amongst the parties.

Full Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007(3) RCR (Criminal) 1052, I am of the view that it is a fit case for quashing the proceedings. Consequently, the present petition is allowed and FIR No.357 dated 7.8.2019 registered under Sections 363, 366-A IPC at Police Station Rajendra Park, Gurugram and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner.

January 8, 2021

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

(KARAMJIT SINGH)
JUDGE

Yes/No
Yes/No