

226.

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

CRM-M-39024-2020

Date of decision: 02.02.2021

NOORJHAN ALIAS NOORIYA AND ORS

... Petitioners

versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None.

HARI PAL VERMA, J. *(Oral)*

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.0135 dated 24.05.2020 registered under Sections 323, 354-A, 452, 506, 34, 188 of IPC, Section 8 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2) of SC & ST (Prevention of Atrocities) Act, 1989 at Police Station Pinangwa, District Nuh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 10.09.2020 (Annexure P-2) and affidavits of private respondents (Annexures P-3 to P-5).

This Court vide order dated 25.11.2020 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 Civil Judge (JD)-cum-Judicial Magistrate Ist Class, Ferozepur Jhirka and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 07.01.2021 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any threat, inducement, coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Rinki, but no prejudice would be caused to her as she along with along with her brothers-respondents No.3 and 4 has already made a joint statement with regard to compromise before learned Magistrate on 07.01.2021 to the effect that compromise has been effected between the parties voluntarily and without any coercion or undue influence and they do not want to proceed in the matter rather sought cancellation of the case. Along with the report sent by the learned Magistrate, an affidavit of the victim, aged 19 years, has also been attached, wherein she has accepted the compromise.

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

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.0135 dated 24.05.2020 registered under Sections 323, 354-A, 452, 506, 34, 188 of IPC, Section

8 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2) of SC & ST (Prevention of Atrocities) Act, 1989 at Police Station Pinangwa, District Nuh (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 10.09.2020 (Annexure P-2) and affidavits of private respondents (Annexures P-3 to P-5).

Since the present order is being passed in the absence of respective lawyers of the parties, in case either party finds that any prejudice has been caused to them, they shall be at liberty to seek revival of the present petition.

(HARI PAL VERMA)
JUDGE

02.02.2021
sanjeev

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