

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

CRM-M-44127-2021
Decided on : 25.10.2021

Sher Mohd. and another

..... Petitioners

Versus

State of Haryana & others

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Munfaid Khan, Advocate
for the petitioners.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 482 Cr.PC for quashing the case FIR No.106 dated 11.03.2019 under Section 365 IPC and Section 8 of POCSO Act registered at Police Station Ferozepur Jhirka, District Nuh and subsequent proceedings arising therefrom on the basis of compromise dated 01.10.2021.

Learned counsel has invited the attention of this Court to the compromise stated to have been effected between the parties vide compromise deed dated 01.10.2021 (Annexure P-2). He submits that no useful purpose would be served if the criminal proceedings are allowed to continue in the wake of the compromise arrived at between the parties and thus, the FIR in question be quashed.

Heard learned counsel and perused the material available on record including the FIR in question.

The contents of the FIR in question reveal that the minor sister of the complainant, aged 13 years, was forcibly picked up from outside her own house on 10.03.2019 at about 7.30 pm and bundled into a car by the petitioners, who thereafter drove away. The victim's cries for help attracted

the attention of her brother i.e. the complainant, who then along with his cousin and neighbours followed the car on their motorcycles. After a chase, the car was intercepted and the petitioners nabbed. The victim was found inside the car with her hands and legs tied.

There is no doubt that in certain categories of cases, compounding of offences can be permitted and the FIR quashed, however, while invoking its inherent powers under Section 482 Cr.PC this Court cannot be expected to turn a blind eye to the statutory bar under Section 320 (9) Cr.PC that there cannot be any contravention to the provisions of the said Section.

Adverting to the case in hand, the offences under Section 365 IPC and Section 8 of POCSO Act are admittedly non-compoundable and excluded from the categories of offences which can be compounded. This Court would therefore be opposed to put a legal stamp on a compromise stated to have been arrived at between the parties qua the offences alleged to have been committed by the petitioners.

Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

25.10.2021
sonia

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No