

CRM-M No.39897 of 2020

Date of Decision : 06.04.2021

Sunita & another

.....Petitioners

Versus

State of Haryana & another

.....Respondents

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr.Fateh Saini, Advocate
for the petitioners.

Mr. Vishal Malik, D.A.G., Haryana.

Mr. Pawan Attri, Advocate
for respondent No.2.

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioners, who are the accused persons in FIR No.907, dated 25.08.2019 under Sections 365, 370(1)(4) and 34 of the IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(W)(I) of the Scheduled Castes and Scheduled Tribes Act, (Sections 3(1)(r)(s)(w)(i) and 3(2)(v)(va) of the Scheduled Castes and Scheduled Tribes Act, added later on), registered at Police Station City Thanesar, District Kurukshetra (Annexure P-1), have prayed for quashing of F.I.R. with all subsequent proceedings arising therefrom, on the basis of compromise.

2. With the intervention of respectables and elderly people of the society, the complainant has arrived at a settlement with the accused persons vide Mutual Compromise Deed/Agreement (Annexure P-2), which is duly

signed by both sides. The matter was referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. The Ld. Additional Sessions Judge (Fast Track Special Court for Offences of Rape and under POCSO Act), Kurukshetra, vide report dated 12.01.2021 has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

3. Respondent No.2 is represented by her Counsel who does not dispute the factum of compromise.

4. In view of the report of the Ld. Additional Sessions Judge (Fast Track Special Court for Offences of Rape and under POCSO Act), Kurukshetra, and in view of the decision of the Hon'ble Supreme Court in **"Gian Singh Vs. State of Punjab and another"**, 2012(4) RCR (Criminal) 543 and **"Narinder Singh and Others Vs. State of Punjab and Another"**, (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the Respondent No.2 has herself compromised the dispute with the accused persons.

5. In the circumstances, the present petition is allowed. FIR No.907, dated 25.08.2019 under Sections 365, 370(1)(4) and 34 of the IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(W)(I) of the Scheduled Castes and Scheduled Tribes Act, (Sections 3(1)(r)(s)(w)(i) and 3(2)(v)(va) of the Scheduled Castes and Scheduled Tribes Act, added later on), registered at Police Station City

Thanesar, District Kurukshetra (Annexure P-1), and all consequential proceedings arising therefrom, are hereby quashed *qua* the present petitioners.

06.04.2021
Jitesh (JTS)

(SUDIP AHLUWALIA)
JUDGE

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