

Sukhraj Singh and Another ...Petitioners

Versus

State of Punjab and Others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ashok Paul Batra, Advocate for the petitioners.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

THROUGH VIDEO CONFERENCING

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0061	17.07.2021	Morinda, District Rupnagar	376, 354, 354-A of IPC 1860 and Section 6/8 of POCSO Act.

Notice of motion.

On the asking of the Court, Mr. Sidakmeet Singh Sandhu, AAG, accepts notice on behalf of the respondent/State.

Incarcerating on being arrested under Sections 376, 354, 354-A of IPC 1860 and Section 6/8 of POCSO Act, for allegedly making physical relations with the complainant on the pretext of marriage by the main accused and for teasing the complainant by the co-accused, has come up before this Court under Section 482 of CrPC seeking quashing of FIR on the grounds that the matter stands compromised between the parties.

2. In Para 11 of the bail application, the petitioners are not the proclaimed offender in the abovesaid FIR or in any other case. Ld. Counsel for the bail petitioners states on instructions that the petitioners have no criminal past relating to the offences.

3. Briefly, the allegations against the petitioner are that petitioner No. 1 on the pretext of marriage, developed physical relations with the complainant and abandoned her and petitioner No.2 also teased her.

4. Ld. Counsel for the petitioners contends that the custodial investigation would serve no purpose whatsoever and incarceration before the proof of guilt

would cause grave injustice to the petitioners and family.

5. While opposing the bail, the alternative contention on behalf of the State is that the victim, who has entered into the compromise is shown as 17 years of age in the case. Since the girl is a minor, the compromise cannot be taken into consideration.

REASONING:

6. The FIR and the FIR has been registered under Sections 376 IPC and Sections 6 and 8 of the POCSO Act and the allegations in the case are serious and offences are heinous in nature. The alleged compromise has been entered into by a minor. Given above, the matter cannot be compromised and FIR cannot be quashed. This Court finds no ground to entertain the present petition.

7. Given above, in the facts and circumstances peculiar to this case, the petition is dismissed.

(ANOOP CHITKARA)
JUDGE

November 11, 2021
Poonam Sharma

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