

CRM-49513-2019

Date of Decision : 01.03.2021

Kalu

.....Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Mukesh Yadav, Advocate
for the petitioner.

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

Mr. Mohit Nehra, Advocate,
for respondent No.2.

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioner, who is accused in F.I.R No.0533, dated 25.10.2019 under Sections 363/366-A IPC and Section 16 of POCSO Act, registered at Police Station City Mahendergarh, District Mahendergarh (Annexure P-1), has prayed for quashing of F.I.R. with all subsequent proceedings pending therefrom, on the basis of compromise.

2. Now the complainant/respondent No.2 has arrived at a settlement with the petitioner vide Compromise (Annexure P-3), which is duly signed by them. 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. Addl. Civil Judge, (Sr. Divn.)-cum-Sub-Divisional Judicial Magistrate, Mohindergarh, vide report dated 18.01.2020 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 his Counsel through Video Conferencing, who does not dispute the compromise. Respondent No.3 daughter of respondent No.2, as such, has been impleaded through her father (respondent No.2). Moreover, she has also made a statement on 10.01.2020 before the Ld. Addl. Civil Judge, (Sr. Divn.)-cum-Sub-Divisional Judicial Magistrate, Mohindergarh, whereby she has admitted the factum of compromise with the accused/petitioner and deposed that the compromise has been effected between them voluntarily and without any undue influence, coercion or pressure.

4. In view of the report of the Ld. Addl. Civil Judge, (Sr. Divn.)-cum-Sub-Divisional Judicial Magistrate, Mohindergarh, 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 complainants have themselves compromised the dispute with the petitioner.

5. In the circumstances, the present petition is allowed. F.I.R No.0533, dated 25.10.2019 under Sections 363/366-A IPC and Section 16 of POCSO Act, registered at Police Station City Mahendergarh, District Mahendergarh (Annexure P-1), and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioner.

01.03.2021

Jitesh (JTS)

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned:

Yes/No

2. Whether reportable:

Yes/No