

CRM-M-17785-2023

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

230

CRM-M-17785-2023
Date of Decision:-18.07.2023

Kamal @ Lucky

.....Petitioner

Versus

State of U.T. Chandigarh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Amit Kumar, Advocate for the petitioner.

Mr. Shashank Bhandari, Addl. P.P. U.T., Chandigarh.

Mr. Ashir Gulati, Advocate for
Mr. Prabhjot Singh Makkar, Advocate
for respondents No. 2 to 4.

ALOK JAIN, J. (Oral)

1. The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 118 dated 02.09.2021, registered under Sections 376(2)(h), 376(2)(n), 313 of Indian Penal Code and Section 06 of POCSO Act, 2012 (Annexure P-1) at Police Station Sector 11, District Chandigarh and all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

2. Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 13.04.2023 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 25.04.2023 has

CRM-M-17785-2023

been received from the Judicial Magistrate, 1st Class, Chandigarh, stating that the compromise arrived at between the parties is voluntary and the same is without any pressure, coercion or undue influence.

3. Learned counsel for the petitioner as well as respondents No. 2 to 4 has submitted that in fact, the parties have tied the nuptial knot and happily residing together. Learned counsel for the petitioner has relied upon certain judgments to substantiate his averments.

4. Learned counsel for U.T. Chandigarh opposes the quashing on the ground that the FIR has been lodged under Section 376(2)(h) and 376(2)(n) read with section 313 of IPC as well as Section 06 of POCSO Act.

5. After hearing learned counsel for the parties, it transpires that the present case is a case of adolescence love in which the victim and the accused got entangled, which lead to the victim conceiving. It has only on the said stage that certain disharmony occurred between both of them and since, the victim was taken to the hospital, the present FIR came to lodged. Admittedly, both the parties have now attained the age of majority and have stood by the test of time and have got married on 03.07.2023.

6. In light of the above, keeping the question open, as to whether the FIR under heinous crimes could be quashed, on the basis of compromise. Only for the purpose of this case and the material facts and circumstances of this case, the present petition stands allowed. FIR No. 118 dated 02.09.2021, registered under Sections 376(2)(h), 376(2)(n), 313 of Indian Penal Code and Section 06 of POCSO Act, 2012 (Annexure P-1) at Police Station Sector 11, District Chandigarh and all consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

CRM-M-17785-2023

7. Since, both the parties have reconciled the matter and started living together, therefore, the cost is being imposed only on the petitioner. Thus, the payment of cost of Rs. 5,000/- to be paid by the petitioner within two months from today in the following account:-

Account Name – Punjab and Haryana High Court Bar Association Lawyer’s Family Welfare Fund.

Account No. - 41564846387

Bank Name – SBI High Court Branch.

**(ALOK JAIN)
JUDGE**

July 18, 2023
Parul

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No