

CRM-M-40215-2020 (O&M)

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133-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40215-2020 (O&M)

Date of decision : 31.10.2023

Anuj

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Krishan Singh, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana,
for respondent No.1.

Mr. Haneet Sharma, Advocate,
for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.252 dated 19.10.2020 (P-1), under Section 4 of the Protection of Children from Sexual Offences Act, 2012; Sections 506 and 34 of the Indian Penal Code, 1860 and Section 3(2)V of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station, Chhapper, District Yamuna Nagar, along with all consequential proceedings arising therefrom on the basis of compromise dated 30.10.2020 (P-3), entered into between the parties i.e. petitioner as well as respondent No.2.

2. Above FIR was registered on the basis of statement made by complainant, namely, Suman Rani (mother of victim) to the effect that the petitioner-Anuj along with other co-accused has committed sodomy with her minor son.

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3. The Co-ordinate Bench, while issuing notice of motion on the previous date of hearing i.e. 04.12.2020, passed the following order:-

“In this petition, the Petitioner, who is the accused in F.I.R No.252, dated 19.10.2020, under Section 4 of the POCSO Act, and Sections 506, 34 of the IPC, 3(2) V, SC/ST Act registered at Police Station Chhapper, District Yamuna Nagar (Annexure P-1), has prayed for quashing of F.I.R. with all subsequent proceedings arising therefrom, on the basis of compromise.

Ld. Counsel for the Petitioner refers to the Affidavit and Compromise (Annexures P-2 and P-3), and states that the matter has been amicably settled between the parties.

Notice of motion.

Ms. Tanushree Gupta, Dy. Advocate General, Haryana to accept notice on behalf of Respondent No.1/State. A copy of the Paper-book be supplied to him.

Mr. Ranjit Saini, Advocate has put in appearance through Video Conferencing on behalf of the Complainant/Respondent No.2 and admits the factum of compromise.

In view of the matter, the parties shall appear before the Ld. Trial Court/Illaqa Magistrate on 06.01.2021 for getting their statements recorded with regard to the compromise arrived at between them. Ld. Trial Court/Illaqa Magistrate after ensuring their identity as well as the fact that the statements are being made by them voluntarily and without any pressure, shall record the same and will submit its report well before the next date of hearing. The Magistrate shall also report about the veracity of the compromise apart from informing the names and number of the accused involved and whether any of the accused has been declared proclaimed offender in the case.

List on 01.04.2021.”

4. Learned counsel for the petitioner submits that in view of the above order, the statements of parties have been recorded before the Court below and in this regard, report dated 07.01.2021 has also been received qua the compromise between petitioner as well as respondent No.2. Therefore, the present FIR deserves to be quashed.

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5. Per contra, learned State Counsel vehemently opposes the quashing of the aforesaid FIR and submits that the victim was minor of the age of 11 years old only. Hence, the present petition deserves to be dismissed.

6. Heard both sides.

7. Concededly, the victim was 11 years of age at the time of occurrence. Keeping in view the gravity of offence, this Court does not find any ground to accept the prayer of petitioner for quashing of the present FIR at this stage.

8. As a result thereof, there is no option, except to dismiss the petition.

9. Ordered accordingly.

10. Needless to say that the dismissal of the petition shall not debar the petitioner from raising his plea at the appropriate stage before the Court concerned.

11. Also clarified that above observations may not be construed as an expression of opinion on merits of the controversy in any manner.

12. Pending application(s), if any, shall stand disposed off.

31.10.2023*adhikari***(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No