

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

210

CRM-M-40230-2019

Date of Decision: 01.06.2023

Harwinder Singh

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

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

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

None for respondents No.2 and 3.

SANJEEV PRAKASH SHARMA, J (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.122 dated 10.08.2019 under Sections 363 and 366-A IPC and Sections 3 and 4 of the POCSO Act, 2012, registered at Police Station Kamboj, District Amritsar Rural and all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Learned counsel for the parties have stated that the present FIR may be quashed as the parties have amicably settled the dispute.

It is submitted that the compromise has been arrived at between the parties and so far as the allegations under the POCSO Act are concerned, learned State counsel had given a statement on the basis of instructions to this Court on 25.07.2022 that the offences under the POCSO Act have been deleted.

During the course of preliminary hearing, the trial Court was directed to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise by this Court.

In compliance thereof, report dated 22.11.2019 from concerned Court, has been received through District and Sessions Judge, Amritsar, with statements of parties, in which, it has been mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

The Hon'ble Full Bench of this Court in case **Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052** and Hon'ble Division Bench of this Court in case **Sube Singh and another vs. State of Haryana and another, 2013(4) RCR (Criminal) 102** observed that compounding of offence can be allowed even after conviction, during proceedings of the appeal against conviction pending in Sessions Court and in case of involving non-compoundable offence.

An identical question came to be decided by Hon'ble Supreme Court in case **Gian Singh Versus State of Punjab and another. 2012(4) RCR (Criminal) 543.**

The same view has been recently reiterated by the Apex Court in case **Narinder Singh and others Vs. State of Punjab and another, 2014(2) RCR (Criminal) 482 & State of Madhya Pradesh Vs. Laxmi Narayan and others, 2019(5) SCC 688.**

In view of above, the instant petition is accepted. Consequently, the impugned FIR No.122 dated 10.08.2019 under Sections 363 and 366-A IPC and Sections 3 and 4 of the POCSO Act, 2012, registered at Police Station Kamboj, District Amritsar Rural and all subsequent proceedings arising therefrom, are hereby quashed, on the basis of compromise, qua the petitioner only.

01.06.2023

D.Bansal

**(SANJEEV PRAKASH SHARMA)
JUDGE**

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