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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4918-2023 (O&M)

DATE OF DECISION: 12.11.2024

AMRITPAL SINGH AND OTHERS

.....PETITIONERS

Vs.

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: None for the petitioners.

Mr. Jasdeep Singh, D.A.G., Punjab.

None for respondent No. 2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 0091, dated 11.07.2022, registered at Police Station Dhariwal, District Gurdaspur, under Sections 354-A, 354-D and 506 of the Indian Penal Code, 1860 (for short '*the IPC*'), read with Section 34 thereof [Sections 354, 354-B and 509 of the IPC and Section 12 of the Protection of Children from Sexual Offences, Act, 2012, (for short '*the POCSO Act*') were added later on], on the basis of a compromise dated 19.01.2023 (Annexure P-2) between the parties.

2. The parties were directed to appear before the trial Court/Illaq Magistrate to get their statements recorded and report qua genuineness of the compromise was sought from the trial Court/Illaq Magistrate, vide order dated 28.08.2023.

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3. As per the report dated 16.08.2024, received from the Principal Magistrate, Juvenile Justice Board, Gurdaspur, through the District & Sessions Judge, Gurdaspur, the statements of petitioner No.3-Deepak Kumar and the prosecutrix GKxxx had been recorded. As per the report, no other criminal case is pending against petitioner No. 3-Deepak Kumar and there is only one complainant whose statement has already been recorded. The compromise *inter se* the parties is genuine.

4. The report dated 09.08.2024 of the Additional District & Sessions Judge, Gurdaspur, through the District & Sessions Judge, Gurdaspur, has also been received who has recorded the statement of the prosecutrix, as well as the statement of petitioner No. 1-Amritpal Singh and petitioner No. 2-Gurdit Singh. The Additional Sessions Judge, Gurdaspur, has also informed about the factum of compromise between the parties.

5. The FIR was registered under Sections 354-A, 354-D and 506 of the IPC read with Section 34 thereof (Sections 354, 354-B and 509 of the IPC and Section 12 of the POCSO Act were added later on). As per the reply filed on behalf of the State, the case was registered on the basis of the statement of the prosecutrix-GKxxx with the allegations that every day she used to go on bus to her school. Whenever she used to alight from the bus for going inside the school, petitioner No. 3-Deepak Kumar used to give comments upon her and he also used to throw paper by mentioning his mobile number on it. She used to get perplexed. On 11.07.2022, at 02:00 p.m. when she was returning from her school, petitioner No. 3-Deepak Kumar (juvenile) forced her for friendship. Petitioner No. 2-Gurdit Singh is



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the father of petitioner No. 3-Deepak Kumar. Petitioner No. 1-Amritpal Singh was nominated as an accused subsequently, vide GD No. 17, dated 15.07.2022, upon the disclosure statements given by petitioners No. 2 and 3.

6. Learned State counsel has not raised any objection regarding the acceptance of the present petition.

7. Petitioner No. 3-Deepak Kumar is a juvenile. There are no allegations of sexual abuse against the petitioners. The petitioner No. 3-Deepak Kumar and the prosecutrix are young persons and they want to move ahead in their lives. The prosecutrix does not want to proceed further with the prosecution on the basis of the present FIR. Keeping in view the mutual compromise between the parties, which is with the free consent of the parties, and also considering the future prospects of the child-prosecutrix, in addition to the fact that there are no allegations of sexual abuse, this Court is of the considered opinion that the present petition should be accepted by invoking the jurisdiction under Section 482 Cr.P.C.

8. Keeping in view these circumstances and in view of the ratio of the decision of Hon'ble Apex Court in *Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543* and the decision of Hon'ble the Full Bench of this Court in *Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052*, the ends of justice would meet if the FIR and consequential proceedings are quashed by accepting the compromise between the parties.

9. Consequently, this petition is allowed and FIR No. 0091, dated 11.07.2022, registered at Police Station Dhariwal, District Gurdaspur,



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under Sections 354-A, 354-D and 506 of the IPC read with Section 34 thereof (Sections 354, 354-B and 509 of the IPC and Section 12 of the POCSO Act were added later on), and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

10. However, the respondent No.2-complainant and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 19.01.2023 (Annexure P-2) are violated.

11. Pending miscellaneous application (s), if any, shall also stand disposed of.

NOVEMBER 12, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether Reportable	No