



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-8129-2020
Date of decision: 22.07.2024

Manoj Kumar
Versus
State of Punjab and others
....Petitioner
...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Zorawar S. Chauhan, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

Mr. Hemant Hans, Advocate for
Mr. Jitender K. Sehrawat, Advocate
for respondent Nos.2 and 3.

HARPREET SINGH BRAR. J.(Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.328 dated 22.12.2014 under Sections 363, 366-A of IPC and Sections 4, 6, 8, 10 and 12 of the Protection of the Children from Sexual Offences Act, 2012, registered at Police Station Phillaur, District Jalandhar Rural (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 12.09.2019 (Annexure P-5).

2. The following order was passed on 26.02.2020:

*“Prayer in this petition is for quashing of the FIR along with all consequential proceedings arising therefrom on the basis of compromise between the parties.
Notice of motion for 17.07.2020.
At this stage, Mr. Jitender K. Sehrawat, Advocate has put in appearance on behalf of respondents No.2 and 3 and accepts the factum of compromise effected between the parties. Power of attorney filed on behalf of respondents No.2 and 3 is taken on record.*



The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement on 17.04.2020.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of the parties on or before the next date of hearing containing the following information as well:

- (I) Number of persons arrayed as accused in FIR;*
- (ii) Whether any accused is proclaimed offender;*
- (iii) Status of the trial/proceedings and,*
- (iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.”*

3. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834 and Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No.328 dated 22.12.2014 under Sections 363, 366-A of IPC and Sections 4, 6, 8, 10 and 12 of the Protection of the Children from Sexual Offences Act, 2012, registered at Police Station Phillaur, District Jalandhar Rural (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

22.07.2024
amandeep

(HARPREET SINGH BRAR)
JUDGE

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