

CRM-M-12028-2024
Date of decision: 29.08.2024

...PETITIONERS

...RESPONDENTS

This petition has been filed for quashing of FIR No.59, dated 23.05.2022 registered under Sections 354, 324, 323 and 34 of IPC and Section 8 of POCSO Act, 2012 at Police Station Shimlapuri, District Ludhiana along with all consequential proceedings arising therefrom, on the basis of compromise dated 25.11.2023 (Annexure P-2) arrived at between the parties.



Counsel for the petitioner has mentioned in memo of parties of the petition that the petitioners have not been declared as proclaimed persons.

Notice of motion.

Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab accepts notice on behalf of respondent No.1-State and Mr. Anmol Rattan Singh Dhillon, Advocate accepts notice on behalf of respondent No.2 and has filed his Power of Attorney. The same is taken on record. He has admitted the factum of compromise effected between the parties.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 20.03.2024 or any other future date as per its convenience or on request of the parties for getting their statements recorded with regard to the compromise. However, it is made clear that no further adjournment shall be granted to the parties for that purpose. The Illaqa/Duty Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/proclaimed persons, in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings pending;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. Whether any other criminal case pending against the accused.*

Report of Illaqa/Duty Magistrate be awaited for 26.04.2024.”

3. In compliance of the aforesaid order and order dated 29.07.2024, 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.59, dated 23.05.2022 registered under Sections 354, 324, 323 and 34 of IPC and Section 8 of POCSO Act, 2012 at Police Station Shimlapuri, District Ludhiana (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioners.

August 29, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No