

233(2) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14379-2023 (O&M)
Date of Decision: 19.09.2024

JIWAN SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Tejinder Pal Singh, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

Mr. Gurbhagat Singh Gill, Advocate
for respondents No. 2 and 3.

HARPREET SINGH BRAR J. (ORAL)

1. The petitioner has filed the present petition seeking quashing of the FIR No.62 dated 29.03.2019, under Sections 363/366-A of IPC and added later on offence under Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station City Sangrur, District Sangrur (Annexure P-1), and all other proceedings arising therefrom on the basis of the compromise dated 17.02.2023 (Annexure P-2).

2. The following order was passed on 21.03.2023:

“The petitioner has filed the present petition seeking quashing of the FIR No.62 dated 29.03.2019, under Sections 363/366-A of IPC and added later on offence under Section 6 of the POCSO Act, registered at Police Station City Sangrur, District Sangrur (Annexure P-1), and all other proceedings arising therefrom on the basis of the compromise dated 17.02.2023 (Annexure P-2).

Learned counsel for the petitioner as well as respondent Nos.2 and 3 submit that, in fact, the petitioner and respondent No.3 have married and are residing as husband and wife



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and, therefore, the pendency of the present FIR is hampering their marital life.

Notice of motion.

On asking of the Court, Mr. Arun Gupta, AAG, Punjab, accepts notice on behalf of respondent No.1-State and Mr. Gurbhagat Singh Gill, Advocate accepts notice on behalf of respondent Nos. 2 and 3.

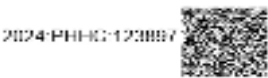
Learned counsel for respondent Nos.2 and 3 has not denied the factum of compromise effected between the parties.

Adjourned to 10.07.2023.

In the meanwhile, both the parties are directed to appear before the concerned Illaqa/Duty Magistrate on 10.04.2023 for recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It would also be verified that besides the accused (petitioners) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case. The Illaqa Magistrate/Duty Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court.”

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. Learned counsel for the petitioner has relied upon the judgment passed by Hon'ble Supreme Court in ***K. Dhandapani vs. The State 2022(2) R.C.R.(Criminal) 987***, judgment passed by this Court in CRM-M-23281-2023 titled as ***Devendranath v. State of U.T. Chandigarh and Others*** and a Full Bench judgment of Delhi High Court passed in '***Court on its Own Motion (Lajja Devi) Vs. State' 2012 (4) CCR 72***, in which it has been categorically held that in case, the prosecutrix/victim is more than 16 years of age and makes a statement to the effect that she left of her own volition and records a



statement indicating that the consent was without any force, coercion or undue influence, the Court will be within its power to accept the statement and quash proceedings under Sections 363, 366 or 376 of IPC. It has been further held that the FIR (supra) can be quashed if after attaining the age of majority, she affirms and reiterates her consent.

5. 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.62 dated 29.03.2019, under Sections 363/366-A of IPC and added later on offence under Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station City Sangrur, District Sangrur (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioner.

(HARPREET SINGH BRAR)
JUDGE

19.09.2024

Ajay Goswami

(i) Whether speaking/reasoned
(ii) Whether reportable

Yes/No
Yes/No