



237 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16743-2024 (O&M)
Date of decision: 07.05.2024

GAGANDEEP SINGH

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ishan Singh Cooner, Advocate
for Mr. Jagram Singh Cooner, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Shantanu Bansal, Advocate
for respondent No. 2/complainant.

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. 62 dated 15.07.2021 registered under Section 12 of Protection of Children from Sexual Offences Act, 2012 and Sections 120-B, 385 and 506 of Indian Penal Code at Women Police Station, Ambala District Ambala and all subsequent proceedings arising therefrom on the basis of compromise dated 28.03.2024. (Annexure P-4).

2. The following order was passed on 05.04.2024:

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.62 dated 15.07.2021 under Section 12 of The Protection of Children from Sexual Offences Act, 2012 (for short ‘the Act’) and Sections 120-B, 385, 506 of the Indian Penal Code (for short ‘IPC’), registered at Women Police Station, Ambala, District Ambala (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 28.03.2024 (Annexure P-4).

Learned counsel for the petitioner, inter alia, contends that FIR (supra) was lodged under Section 12 of the Act along with provisions of IPC and the maximum punishment provided for the offence is upto 03 years and the dispute between the parties is purely



*private in nature. Reliance in this regard has been placed upon judgment of the Full Bench of the Delhi High Court passed in **Court on its own motion (Lajja Devi) Vs. State' 2012 (4) CCR 72.***

Notice of motion for 07.05.2024.

At this stage, on asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State and Mr. Shantanu Bansal, Advocate accepts notice for respondent No.2 and files his Power of Attorney, which is taken on record. Copy of the paper book be supplied to them during the course of day.

Service is complete.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaqa Magistrate within two weeks from today or any other date convenient to the trial Court/Illaqa Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaqa Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 07.05.2024.

A copy of the order be sent to learned trial Court/Illaqa Magistrate through fax for compliance.”

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 respondent No. 2 submits that memo of parties clearly indicates that respondent No. 2 is residing in Australia and she was impleaded in the present petition through her father, being her special power of attorney and the compromise was also effected through her father as she has duly authorized her father to appear on her behalf and make statement or sign the compromise or do such acts, whichever are deemed to be necessary during the quashing proceedings and she has further stated that she will remain



bound by her father, being her lawful attorney and respondent No. 2 has no objection in case the FIR(supra) is quashed on the basis of compromise.

5. In view of the submission made by learned counsel for respondent No. 2 and 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 (CrI.) 1052**, this petition is allowed and FIR No. 62 dated 15.07.2021 registered under Section 12 of Protection of Children from Sexual Offences Act, 2012 and Sections 120-B, 385 and 506 of Indian Penal Code at Women Police Station, Ambala District Ambala and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

May 07, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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