



206

**IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH****CRM-M-34084-2023 (O&M)****Date of Decision: 31.08.2024****GURPREET SINGH @ GOLDI****...Petitioner****V/S****STATE OF PUNJAB AND ANOTHER****...Respondents****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR****Present:** Mr. Dilraj Singh Bhinder, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

Mr. G.S. Brar, Advocate for
Mr. Birinder Pal, Advocate for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in the present petition is for quashing of FIR No.12 dated 25.01.2023 under Section 4 of POCSO Act and Sections 376 & 506 of IPC, registered at Police Station Tapa, District Barnala (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise deed dated 07.06.2023 (Annexure P-2).

2. The following order was passed on 04.09.2023:

“Prayer in the present petition is for quashing of FIR No.12 dated 25.01.2023 under Section 4 of POCSO Act and Sections 376 & 506 of IPC, registered at Police Station Tapa, District Barnala (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise deed dated 07.06.2023 (Annexure P-2).

Status report dated 04.09.2023 by way of affidavit of Manavjit Singh Sidhu, PPS, Deputy Superintendent of Police, Sub Division, Tapa, District Barnala has been filed on behalf of the respondent No.1-State. The same is taken on record. Copy thereof has been supplied to the counsel opposite.

Learned counsel for the petitioner inter alia submits that the victim in the present case was 16 years and 08 months old at



the time of alleged incident and as per their personal muslim law, the victim had attained the age of consent. Learned counsel further submits that the victim and the petitioner were in a consensual relationship. FIR in the present case has been registered on the statement of mother of the victim; and compromise dated 07.06.2023 (Annexure P-2) has been effected between the parties.

Learned State counsel submits that the victim in her testimony recorded before the trial Court as PW-1 on 06.05.2023, has supported the prosecution case and even the mother of the victim/complainant as PW-2 on her deposition recorded on 25.05.2023 has supported the prosecution case.

Learned counsel for the petitioner submits that thereafter, the parties have entered into a compromise dated 07.06.2023, which is on record as Annexure P-2.

Learned counsel for respondent No.2 admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 25.09.2023 for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report on or before the next date of hearing containing the following information :-

- 1. Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other case or not.*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

A copy of the report be also sent through fax to the Registrar Judicial of this Court. Adjourned to 17.11.2023.”

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



CRM-M-34084-2023 (O&M)

-3-

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.12 dated 25.01.2023 under Section 4 of POCSO Act and Sections 376 & 506 of IPC, registered at Police Station Tapa, District Barnala (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

31.08.2024

Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No