



232 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40993-2023

Date of decision: 30.08.2024

SHAMBHU PASWAN

...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Liaqat Ali, Advocate
for the petitioner (through video conferencing).

Mr. Rishabh Singla, AAG, Punjab.

Mr. Prem Nath, Advocate
for respondent Nos.2 and 3.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.231 dated 25.11.2017, under Sections 376/354/384 IPC and Sections 4/6/8/10/12 of POCSO Act at Police Station Ramamandi, District Police Commissionerate Jalandhar (Annexure P-1) and judgment of conviction dated 14.10.2019 along with all subsequent proceedings arising therefrom on the basis of compromise dated 24.07.2023 (Annexure P-3).

2. The following order was passed on 31.07.2024 :-

"Instant petition has been filed under Section 482 Cr.P.C. seeking quashing of the FIR No.231 dated 25.11.2017, under Sections 376/354/384 IPC and Section 4/6/8/10/12 of POCSO Act, Police Station Ramamandi, District Police Commissionerate Jalandhar (Annexure P-1) and all subsequent proceedings arising out of the same including judgment of conviction dated 14.10.2019 passed by the trial Court, on the basis of compromise dated 24.07.2023 (Annexure P-3).

Learned counsel for the petitioner submits that though the FIR was registered under Sections 376, 354, 384 IPC and Sections 4/6/8/10/12 of POCSO Act, however, the petitioner has been convicted only under Section 354 IPC and Section 10 of POCSO Act, as such, in view of the law laid down in Ramgopal and Anr. v.



State of Madhya Pradesh 2021(4) RCR (CrI.) 322, compromise is permissible in the present case.

Service is already complete.

Adjourned to 30.08.2024.

In the meantime, parties are directed to appear before the learned trial Court/Illaqa Magistrate within a period of two weeks or any other date convenient to the trial Court/Illaqa Magistrate to get their statements recorded regarding the compromise and after recording their statements, learned trial Court/Illaqa Magistrate is directed to send report regarding the genuineness of the compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. on 30.08.2024.

A copy of this 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. 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 (CrI.) 1052**, this petition is allowed and FIR No.231 dated 25.11.2017, under Sections 376/354/384 IPC and Sections 4/6/8/10/12 of POCSO Act at Police Station Ramamandi, District Police Commissionerate Jalandhar (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioner.

August 30, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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