

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

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CRM-M-50244-2021 (O&M)

Date of Decision: 06.11.2024

Dilshad Akhtar @ Dilshad Mohammad @ Lamber Petitioner

Versus

State of Punjab and another Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. B.S.Bhalla, Advocate for the petitioner.

Ms. Rishu Madan, A.A.G., Punjab.

Ms. Amarjot Kaur, Advocate for respondent No.2.

NIDHI GUPTA, J. (ORAL)

Prayer in the present petition under Section 482 Cr.P.C. is for quashing of FIR No. 96 dated 12.06.2019 (Annexure P-1) under Sections 366-A, 376, 323, 506, 120-B (later on added Section 376D IPC and Section 6 of POCSO Act, 2012) registered at Police Station Dharamkot, District Moga and all other proceedings arising therefrom.

Power of attorney filed on behalf of respondent No.2 in Court today is taken on record.

Vide order dated 10.12.2021 passed by a Coordinate Bench of this Court, parties have been directed to record their statements for quashing of the present FIR on the basis of a Compromise in the shape of affidavits dated 12.03.2020 and 12.06.2019 (Annexures P-2 and P-3 respectively). The parties appeared before the learned Additional District



& Sessions Judge, Moga, to get their statements recorded. Learned Additional District & Sessions Judge, Moga has submitted her report along with statements of the parties vide letter dated 15.12.2021 duly forwarded by the learned District & Sessions Judge, Moga on 16.12.2021. The relevant portion of the report submitted by learned Additional District and Sessions Judge, Moga is reproduced as under:-

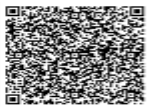
“After hearing the learned counsel for parties and going through statements made by complainant/victim as well as by the accused, this court seems that compromise was effected between the parties is genuine one.

As per record, four persons have been arrayed as accused in the present case and no accused has been declared as proclaimed offender in the aforesaid case so far. No other case is pending against any of the accused and there is only one complainant of the present case, who herself was the victim in this case.”

Learned counsel for the petitioners has reiterated that the petitioner No.4 and respondent No.2 have solemnized marriage on 17.07.2020 as is evident from marriage certificate (Annexure P-8). It is further submitted that the petitioner No.4 and respondent No.2 have been blessed with two children thereafter.

Learned counsel for the State has pointed out that the present FIR was registered by the prosecutrix herself i.e. respondent No.2. It is, however, admitted that a Compromise has been effected between the parties including prosecutrix by way of affidavits dated 12.03.2020 and 12.06.2019 (Annexures P-2 and P-3 respectively).

In view of the undisputed facts as noticed above, present



petition is **allowed**; and FIR No. 96 dated 12.06.2019 (Annexure P-1) under Sections 366-A, 376, 323, 506, 120-B (later on added Section 376D IPC and Section 6 of POCSO Act, 2012) registered at Police Station Dharamkot, District Moga and all other proceedings arising therefrom, are hereby **quashed** qua the petitioners.

Pending application, if any, stands disposed of.

06.11.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No