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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44760-2024 (O&M)
Date of decision: 16.10.2024

Vikramjeet Singh @ Vicky and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR JUSTICE HARPREET SINGH BRAR

Present: Mr. Binay Pal Singh Brar, Advocate for
Mr. Rahi Mehra, Advocate
for the petitioners.

Mr. Subhash Godara, Addl. A.G., Punjab.

Mr. Manwinder Singh, Advocate for
Mr. Mohit Sharma, Advocate
for respondents No.2 & 3.

HARPREET SINGH BRAR, J.

1. This petition has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.139 dated
22.10.2020 under Sections 363, 366, 120-B of the Indian Penal Code, 1860
(for short 'IPC') (Section 376 of IPC and Sections 4 & 6 of the Protection
of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') were
added later on), registered at Police Station Khalra, District Tarn Taran



(Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 22.08.2024 (Annexure P-2).

2. The following order was passed on 10.09.2024: -

“This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.139 dated 22.10.2020 under Sections 363, 366, 120-B of IPC (Section 376 of IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012 were added later on), registered at Police Station Khalra, District Tarn Taran (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 22.08.2024 (Annexure P-2).

*Learned counsel for the petitioners, inter alia, contends that petitioner No.1 and respondent No.3 fell in love with each other and their relationship was opposed to respondent No.2, who is father of respondent No.3. Petitioner No.1 and respondent No.3 eloped and performed marriage and both of them are blessed with a male child. Now with the intervention of respectables from both sides, for the welfare of respondent No.3 and her child, compromise has been effected between the parties on 22.08.2024 and respondents No.2 & 3 have executed their affidavits (Annexure P-2 colly.) to reiterate the compromise, filed in support of the present petition. Learned counsel for the petitioners relies upon a judgment of the Hon’ble Supreme Court passed in **K. Dhandapani Vs. The State by The Inspector of Police, 2022 SCC Online SC 1056**, Full Bench judgment of the Delhi High Court passed in **Court on its own motion (Lajja Devi) Vs.***



State, 2012 (4) CCR 72 and of this Court in Devendranath Vs. State of U.T. Chandigarh and others, CRM-M-23281-2023 and contends that FIR can be quashed on the basis of compromise, when the victim has attained the majority and consented to get the FIR quashed.

Notice of motion for 16.10.2024.

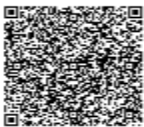
At this stage, on asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of respondent No.1-State and Mr. Mohit Sharma, Advocate accepts notice for respondents No.2 & 3 and files Power of Attorney, which is taken on record. Copy of the paper book be supplied to them during the course of day.

Service is complete.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaq 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.

A copy of the order be sent to learned trial Court/Illaq 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 (Crl.) 1052*, this petition is allowed and FIR No.139 dated 22.10.2020 under Sections 363, 366, 120-B of IPC (Section 376 of IPC and Sections 4 & 6 of POCSO Act were added later on), registered at Police Station Khalra, District Tarn Taran and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

16.10.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

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