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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45716-2024 (O&M)
Date of decision: 16.10.2024

Munna Yadav

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR JUSTICE HARPREET SINGH BRAR

Present: Mr. Amritpal Singh Gill, Advocate
for the petitioner.

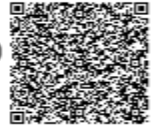
Mr. Subhash Godara, Addl. A.G., Punjab.

Mr. Daljeet Singh Virk, 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.12 dated
08.01.2023 under Section 354 of the Indian Penal Code, 1860 (for short
'IPC') and Section 8 of the Protection of Children from Sexual Offences
Act, 2019 (for short 'POCSO Act'), registered at Police Station Haibowal,
District Police Commissionerate Ludhiana and all the subsequent
proceedings arising therefrom, including framing of charge under Section

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354 of IPC or in the alternative, under Section 10 of POCSO Act, on the basis of compromise dated 06.09.2024 (Annexure P-2).

2. The following order was passed on 13.09.2024: -

“Instant petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita seeking quashing of the FIR No. 12 dated 08.01.2023, registered under Section 354 of Indian Penal Code and Section 8 of Protection of Children from Sexual Offences Act, 2019 (hereinafter to be referred as ‘POCSO Act’) at Police Station Haibowal, District Police Commissionerate Ludhiana and all subsequent proceedings arising out of the same including the charges framed under Section 354 of IPC or in the alternative Section 10 of POCSO Act, on the basis of compromise dated 06.09.2024 (Annexure P-2).

Learned counsel for the petitioner submits that petitioner is presently confined in Central Jail, Ludhiana and learned trial Court may be directed to get his statement recorded through video conferencing or through production warrants.

Notice of motion returnable for 16.10.2024.

Mr. Sandeep Kumar, DAG Punjab, who is present in the Court, accepts notice on behalf of respondent No. 1-State.

In the meantime, Parties are directed to appear before the learned trial Court/Illaq Magistrate within a period of two weeks or any other date convenient to the trial Court/Illaq Magistrate to get their statements recorded regarding the compromise and after recording their statements, learned trial Court/Illaq 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. 16.10.2024.

Learned trial Court is directed to get the statement of petitioner recorded through video conferencing or through production warrants.

It shall be the responsibility of the petitioner to secure

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the presence of private respondents before the jurisdictional Magistrate.

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 (Crl.) 1052***, this petition is allowed and FIR No.12 dated 08.01.2023 under Section 354 of IPC and Section 8 of POCSO Act, registered at Police Station Haibowal, District Police Commissionerate Ludhiana and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

[HARPREET SINGH BRAR]
JUDGE

16.10.2024
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No