



CRM-M-52490-2024 (O&M)

133 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52490-2024 (O&M)
DATE OF DECISION: 23.10.2024

KHUSHDEEP SINGH ALIAS GAGGI
.....PETITIONER

Vs.

STATE OF PUNJAB AND OTHERS
.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sukhwinder Singh Dhillon, Advocate,
for the petitioner.

Ms. Himani Arora, A.A.G., Punjab.

Mr. Ajay Kumar, Advocate,
for respondents No. 2 and 3.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 528 of the the '*Bharatiya Nagarik Suraksha Sanhita*', 2023 for quashing of FIR No. 52, dated, 02.04.2024, registered at Police Station Lambi, District Sri Muktsar Sahib, under Sections 363 and 366-A of the IPC, on the basis of compromise deed dated (Annexure P-2) between the parties.
2. The '*Vakalatnama*' filed by Sh. Ajay Kumar, Advocate, duly executed in his favour by respondents No. 2 and 3 in Court today, is taken on record.
3. I have heard learned counsel for the parties and have gone through the paper-book carefully.



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4. The petitioner is seeking quashing of the FIR on the basis of a compromise. The FIR was registered at the instance of the mother of the prosecutrix with the allegations that on 01.04.2024, the complainant, as well as her husband had gone out of the house for doing daily work. When they returned back, they were informed by their son and elder daughter that their daughter RKxxx-prosecutrix left the house at about 02:00 p.m. and she did not return back. An intimation was also given to the police that the victim had been taken by the petitioner Khushdeep Singh @ Gaggi who was residing in their neighbourhood. As per the recital in the compromise deed (Annexure P-2), the parties have decided to keep harmony between each other and in order to avoid enmity and for better future of both the parties, they have decided to compromise the matter. Even the minor prosecutrix (respondent No. 3) RKxxx is alleged to have signed the said compromise. The petitioner has placed on record a copy of the Aadhar card of the prosecutrix RKxxx-respondent No. 3 (Annexure P-4) as per which, the date of birth of the prosecutrix is 03.01.2009. As such, the prosecutrix was 15 years of age at the time of alleged occurrence on 02.04.2024. The prosecutrix is alleged to have signed a compromise deed (Annexure P-2).

5. Keeping in view the minority of the prosecutrix, she is not competent to execute any agreement. There is nothing on record as to whether the statement of the prosecutrix was recorded under Section 164 Cr.P.C. by the Area Magistrate. The investigation is at the initial stage. The allegations are under Sections 363 and 366-A IPC. The minor prosecutrix is alleged to have been taken away from the lawful custody of her natural parents.

6. Keeping in view the tender age of the prosecutrix, i.e. 15 years, this Court is not inclined to grant indulgence under Section 482 Cr.P.C. for quashing of the FIR on the basis of compromise.
7. Consequently, the present petition stands dismissed.
8. Pending miscellaneous application (s), if any, shall also stand disposed of.

OCTOBER 23, 2024
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether Reportable	No