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

**CRM-M-60431-2022 (O&M)**

**Date of Decision: 25.04.2024**

# ROHIT AKASH ALIAS ROHAN

... PETITIONER

V/S

## STATE OF PUNJAB AND OTHERS

## ... RESPONDENTS

**CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Ms. Navjot Kaur, Advocate for  
Mr. Avtar Singh Khinda, Advocate, for the petitioner.  
Mr. Davinder Bir Singh, Sr. DAG, Punjab.  
Ms. Juhi, Advocate for  
Mr. Paras Khindri, Advocate for respondents No.2 and 3.

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**HARPREET KAUR JEEWAN, J. (ORAL)**

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.277 dated 06.12.2022 (Annexure P-1) under Sections 363 and 366-A IPC registered at Police Station City, Kapurthala, District Kapurthala, on the basis of compromise deed dated 19.12.2022 (Annexure P-2) executed between the parties.

[2] On 02.08.2023 following order was passed by the Co-ordinate Bench:-

“The present petition has been filed for quashing of FIR No.277 dated 06.12.2022 (Annexure P-1) under Sections 363 and 366-A IPC registered at Police Station City, Kapurthala, District Kapurthala, on the basis of compromise dated 19.12.2022 (Annexure P-2) entered into between petitioner (being minor, represented through his father Pawan Kumar) and respondent No.2 (father/guardian of prosecutrix-respondent No.3 aged 16 years).

Learned State Counsel files reply by way of affidavit dated 24.04.2023 which is taken on record.

Learned counsel for the petitioner submits that in order to live peacefully, parties have entered into Compromise dated 19.12.2022 (Annexure P-2), according to which, both the parties

have agreed not to proceed further with the FIR in question.

Adjourned to 17.11.2023.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate on 07.08.2023 for recording of their statement with regard to the compromise dated 19.12.2022 (Annexure P-2) by moving an appropriate application or by presenting this order. The trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information:

1. Number of persons arrayed as accused in the FIR;
2. Whether any accused is a proclaimed offender;
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;
4. Whether the accused persons are involved in any other FIR or not; and
5. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainant as well as accused are party to the compromise in question.

A copy of the report be sent through fax, to the Registrar (Judicial) of this Court.”

[3] Learned counsel for the petitioner submits that in order to live peacefully, parties have entered into Compromise dated 19.12.2022 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

[4] Learned counsel appearing on behalf of respondent Nos. 2 & 3 has confirmed the factum of compromise between the parties.

[5] Learned State counsel has filed a short reply by way of affidavit of Maninder Pal Singh, Deputy Superintendent of Police, Sub Division, Kapurthala.

[6] As per the status report, the FIR was registered at the instance of the complainant that on 05.12.2022 at about 8:30 A.M., petitioner Rohit Aakash enticed away the prosecutrix. After registration of the FIR, the respondent No.2-complainant produced the prosecutrix-respondent No.3 before the Investigating Officer on 08.12.2022 and thereafter, the medical

examination was conducted. However, the statement of the victim-respondent No.3 was recorded under Section 164 Cr.P.C. by learned Judicial Magistrate First Class, Kapurthala wherein she has stated that she had gone with the petitioner of her own free will and that they went to Jalandhar, then to Amritsar and stayed in Golden Temple, Amritsar and later on, returned back. She further stated that no overt act was committed by the petitioner and she wants to live with her parents. Copy of the statement of the victim recorded under Section 164 Cr.P.C. in vernacular has been submitted today in the Court, which is taken on record.

[7] Learned State counsel has not raised any objection regarding the acceptance of the present petition.

[8] In compliance of the order dated 02.08.2023 passed by the Co-ordinate Bench, the Chief Judicial Magistrate, Kapurthala has recorded the statement of the petitioner that the present petition has been filed through father of the petitioner namely Pawan Kumar. The Chief Judicial Magistrate has recorded the statement of Pawan Kumar on behalf of the present petitioner as well as the statement of Major Singh (respondent No.2), on his behalf as well as on behalf of respondent No.3. It has been categorically stated in the said statement that he had come present in the Court along with his daughter at the time of recording the said statement, they had compromised the matter voluntarily, without any coercion or undue influence. The Chief Judicial Magistrate, Kapurthala has finally given the report dated 29.08.2023 that compromise effected between the parties is genuine, voluntarily and without any coercion or undue influence. The petitioner has not been declared as "Proclaimed Offender".

[9] Keeping in view the age of the petitioner and age of respondent

No.3 and also keeping in view the fact that parties want to give quietus to the issue and specifically respondent No.3 has stated in her statement recorded under Section 164 Cr.P.C. that no overt act has been committed by the petitioner; and the compromise between the parties is genuine and voluntarily made and in view of the ratio of the decision of Hon'ble Apex Court in *Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543* and the decision of Hon'ble the Full Bench of this Court in *Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052*, the ends of justice would meet if the FIR and consequential proceedings are quashed by accepting the compromise between the parties.

[10] Consequently, this petition is allowed and FIR No. 277 dated 06.12.2022 (Annexure P-1) under Sections 363 and 366-A IPC registered at Police Station City, Kapurthala, District Kapurthala and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[11] However, respondent Nos.2 and 3 and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 19.12.2022 are violated.

[12] Pending miscellaneous application(s), if any, shall also stand disposed of.

25.04.2024

Janki

(HARPREET KAUR JEEWAN)  
JUDGE

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