



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

284

CRM-M-2226-2024 (O&M)
Date of decision: 22.07.2024

Devender Singh

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : None for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

None for respondent No.2.

HARPREET SINGH BRAR. J.(Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.503 dated 20.09.2023, under Section 14(1) of POCSO Act, 2012 and Section 67-B of Information and Technology Act registered at Police Station, Ambala Cantt., District Ambala along with all consequential proceedings arising therefrom on the basis of compromise dated 07.12.2019 (Annexure P-2).

2. The following order was passed on 14.05.2024:

“This petition has been filed for quashing of FIR No.503 dated 20.09.2023 under Sections 4(1) of POCSO Act, 2012 and Section 67-B of Information and Technology Act registered at Police Station, Ambala Cantt., District Ambala (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 07.2.2019 (Annexure P-2) arrived at between the parties.

Learned counsel for the petitioner has mentioned in memo of parties of the petition that the petitioner has not been declared as proclaimed offender/person



Learned counsel for respondent No.2 has admitted the factum of compromise entered into between the parties and has submitted that the parties may be directed to appear before the trial Court for recording of their statement in support of compromise.

In view thereof, the parties and Investigating Officer are directed to appear before the Illaqa/Duty Magistrate on 05.06.2024 for getting their statements recorded with regard to the compromise. The Illaqa/Duty Magistrate shall submit its report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/proclaimed persons, in this case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings pending;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. Whether any other criminal case pending against the accused.*

Report of Illaqa/Duty Magistrate be awaited for 22.07.2024.”

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.503 dated 20.09.2023, under Section 14(1) of POCSO Act, 2012 and Section



67-B of Information and Technology Act registered at Police Station, Ambala Cannt., District Ambala and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

5. All pending application(s), if any, stand **disposed** of accordingly.

22.07.2024
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(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No