



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

**CRM-M-52714-2024 (O&M)
Date of Decision:-02.07.2025**

Jasveer Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. N.S. Dadwal, Advocate for the petitioner.

Mr. G.S. Bhullar, Astt. A.G., Punjab.

Mr. Jagjit Singh, Advocate for respondents No.2 and 3.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Section 528 of BNSS for quashing of FIR No.0053 dated 13.04.2023 under Sections 363 and 366-A of IPC, registered at Police Station Dakha, District Ludhiana Rural alongwith all other consequential proceedings based upon compromise.

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the FIR vide Annexure P-1 was lodged by respondent No. 2-complainant, alleging that the petitioner had enticed away the daughter of respondent No. 2-complainant and her age in the FIR was stated to be 01.01.2007, which comes out to be approximately 16 and a half years at the time of the occurrence. He submitted that in fact, the age of the daughter of the complainant was about 25 years as per the Aadhaar Card and it was



wrongly mentioned in the FIR as 01.01.2007 and her actual date of birth as per her Aadhaar Card (Annexure P-5) is 10.03.1998. He further submitted that the daughter of the complainant was major at the time of the occurrence and in fact it was a case where both the petitioner and respondent No. 3 were having a love affair with each other and being major they have now performed marriage on 18.06.2023 and respondent No. 3 is also in the family way. He also submitted that rather a separate petition was filed for grant of protection at the initial stage, which was disposed of vide Annexure P-2. He further submitted that in pursuance of the orders passed by this Court on 24.10.2024, the parties have already got their statements recorded before the learned Judicial Magistrate 1st Class, Ludhiana, confirming that the compromise is genuine, voluntary and without any undue influence. He also submitted that the petitioner and respondent No. 3 were major and got married of their own sweet will and are now residing together. He further submitted that the present case does not fall in the category of serious or heinous offences and since the matter has been amicably settled between the parties, no useful purpose would be served by continuing with the further proceedings. He also submitted that although the case is still at the investigation stage, the present FIR can be quashed at the threshold based on the compromise, considering the aforesaid facts and circumstances.

3. Learned State counsel submitted that an FIR was registered on the basis of allegations made by respondent No. 2 and that the date of birth of respondent No. 3 mentioned in the FIR is 01.01.2007. He submitted that in this regard, an ossification test was conducted and the doctor's report stated that the age of the daughter of the complainant was between 16 to 19 years.



4. Learned counsel appearing on behalf of respondents No.2 and 3 submitted that the matter has been amicably settled between the parties without any coercion or undue influence. He also submitted that the age of respondent No. 3 was 25 years at the time of the lodging of the FIR as per the Aadhar Card vide Annexure P-5 and it was inadvertently mentioned as 01.01.2007 in the FIR and therefore the daughter of the complainant was major at the time of the occurrence and now she has married the petitioner and she is in the family way and he has no objection if the FIR is quashed based upon compromise

5. I have heard the learned counsels for the parties.

6. In pursuance of the orders passed by this Court on 24.10.2024 the learned Judicial Magistrate 1st Class, Ludhiana has sent a report dated 14.01.2025 in which he has stated that the parties have appeared before him and got their statements recorded. It has been stated in the report that the petitioner is the only accused in the present case and that the compromise effected between the parties is voluntary, genuine and without any coercion.

7. The law with regard to quashing of FIR based upon compromise is no longer *res integra*. Hon'ble Supreme Court in “**Gian Singh Vs. State of Punjab and another**”, 2012(4) RCR (Criminal) 543, “**State of Madhya Pradesh Vs. Laxmi Narayan**”, (SC) 2019(196) AIR 1 and Full Bench judgment of this Court in “**Kulwinder Singh Vs. State of Punjab**”, 2007(3) RCR(Criminal) 1052 observed that in case where the Court finds that the subject matter of the case is not serious or heinous and the parties have arrived at an amicable settlement voluntarily or without any force or coercion, then



considering the facts and circumstances of each and every case, the FIR can be quashed based upon compromise.

8. The allegations in the present case are pertaining to enticing away the daughter of the complainant. However, even the counsel for respondents No. 2 and 3, who are the complainant and the victim girl respectively, stated that the age of the girl was 25 years at the time of the occurrence, as per the Aadhaar Card vide Annexure P-5 and it was inadvertently mentioned as 01.01.2007 in the present FIR. Both the petitioner and respondent No. 3 have since married and as per both the learned counsels for the petitioner and respondents No. 2 and 3, respondent No. 3 is now in the family way and they are residing happily together .

9. After perusing the record and after hearing the learned counsels for the parties, this Court is of the considered view that in light of the aforesaid judgments of Hon'ble Supreme Court and a Full Bench judgment of this Court, the subject matter of the present case does not fall in the category of serious or heinous offence and therefore, it is a fit case for quashing of the FIR based upon compromise.

10. Consequently, the present petition is allowed and the FIR No.0053 dated 13.04.2023 under Sections 363 and 366-A of IPC, registered at Police Station Dakha, District Ludhiana Rural, alongwith all other consequential proceedings is hereby quashed qua the petitioner based upon compromise.

(JASGURPREET SINGH PURI)
JUDGE

02.07.2025

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Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No