



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(206)

CRM-M-37811-2025
Date of Decision: 25.3.2026

Saleem Singh alias Sammi

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Kuldip Singh, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Lupil Gupta, Advocate and
Mr. Varun Singla, Advocate
for respondents No. 2 and 3.

KIRTI SINGH, J. (ORAL)

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for quashing of FIR No. 255 dated 04.11.2022, under Sections 376 IPC and Section 4 of the POCSO Act, registered at Police Station Sadar Fazilka, District Fazilka and all other consequential proceedings arising therefrom on the basis of the compromise dated 09.7.2025 (Annexure P-2).

2. The translated version of the FIR is reproduced below:-

“Statement of xxxxxx wife of Ashwani Kumar son of Mahinder Singh, resident of village Mumbke, aged about 40 years, Mobile No.73470-xxxxxx. Stated that I am resident of above said address and doing the work of stitching in my house. I have three daughters. My daughter Pooja Rani is married and two are unmarried. My husband is confined in jail in murder case from last 8 years. My youngest daughter xxxxxx who is aged 15 years who is studying in 10th standard at Government Senior Secondary School, Mohammad



Peera. Our village girl Shimpa Rani daughter of Balwant Singh, resident of village Mumbke who had come to me for getting the suit stitched who is also in our relations who had become friend of my younger daughter. On 29.09.2022 at about 10 PM, my daughter was washing the utensils with the tape in the house. Shimpa Rani came to my daughter and took her towards fields for a round. When my daughter and Shimpa reached at Baba Ganda Singh Samadh then Saleem Singh @ Sammi who is real brother of Shimpa Rani came and grabbed my daughter from behind and took her to the vacant place near Baba Gandha Singh Samadh where he has committed rape forcibly with my daughter. Shimpa Rani fled away from the spot. Saleem Singh after committing rape with my daughter extended threats to her that if she disclose anything about this to anyone then he will defame her. My daughter told me the evening time on 30.10.2022. Upon which, I got my daughter admitted in Civil Hospital and get her medical conducted regarding rape. Earlier my daughter went to the relations due to which I could not get my statement recorded. Saleem Singh @ Sammi has committed rape with my daughter and appropriate legal action be taken against him.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case by the complainant, who is the mother of the prosecutrix. It is submitted that the petitioner and the prosecutrix were well known to each other, and the present FIR was lodged due to some misunderstanding. However, now better sense has prevailed, and the complainant and the prosecutrix have also entered into a compromise with the petitioner vide compromise deed dated 09.7.2025 (Annexure P-2) whereby, they have reiterated that they have no objection if the present FIR is quashed. He further submits that the parties have compromised the matter without any coercion and undue influence or pressure and the compromise is in the interest of both the parties as well as for the society. Therefore, it is prayed that the present FIR be quashed.



4. Learned State counsel has vehemently opposed the instant petition on the ground that the FIR lodged under the provisions of POCSO Act cannot be permitted to be quashed on the basis of compromise. In support of her submissions, learned State counsel has placed reliance upon judgment of Hon'ble Supreme Court passed in ***Ramji Lal Bairwa and another Vs. State of Rajasthan and others, 2024 SCC Online SC 3193***. It is further submitted that specific allegations have been levelled against the petitioner that he forcibly took the prosecutrix, who was a minor, to a vacant place and committed rape upon her. Moreover, the statement of the prosecutrix under Section 164 Cr.P.C. has been recorded, wherein she has leveled specific allegations against the petitioner that he committed rape upon her and extended threats to her. Learned State counsel, on instructions from ASI Ram Prakash, submits that despite repeated and vigorous efforts made by the investigating agency to apprehend the petitioner, he remained absconding and continuously evaded arrest. Therefore, in view of his persistent non-cooperation, proclamation proceedings have been initiated against him by the learned Court concerned on 09.3.2026 and subsequently challan has been presented before the learned Court concerned on 29.1.2026. Therefore, it is submitted that the instant petition be dismissed.

5. Learned counsel for the private respondents has admitted the factum of compromise.

6. Heard the learned counsel for the parties and perused the relevant record.

7. The instant FIR was registered on 04.11.2022 and now the petitioner has approached this Court for quashing of FIR on the basis of compromise deed dated 09.7.2025 effected between the parties, which is



nothing but an abuse of process of law and the petitioner cannot claim quashing of FIR as a matter of right in non-compundable offence.

8. In this regard a gainful reference can be made to a judgment passed by the Hon'ble Supreme Court in case titled as ***Narinder Singh and others Vs. State of Punjab (2014) 6 SCC 466***, wherein it has been held as under :-

“29.7 While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime.”



9. Moreover, the Hon'ble Supreme Court, while dealing with the same issue, in its recent judgment in **Ramji Lal Bairwa's** case (supra), has held as under :-

*“12. The objects and reasons for the enactment of the POCSO Act, as extracted above, would undoubtedly show that quashment of proceeding initiated under POCSO Act abruptly by invoking the power under Section 482, Cr. PC. without permitting it to mature into a trial, except on extremely compelling reasons ex facie malafidely initiated or initiated solely to settle the score etc., would go against the very intention of the legislature behind the enactment. As noted earlier, it is the inadequacy of the existing laws to address certain issues relating sexual offences against the children that made the legislature to come up with the aforesaid legislation with a view to protect and respect the privacy and confidentiality of children and to ensure their physical, emotional, intellectual and social development. The POCSO Act also addressed the lack of provisions defining various offences against the children and also adequate penal provisions therefor. A careful scanning of the various provisions under the POCSO Act would reveal that with a view to achieve the aforesaid objects and purposes various offences against the children are specifically defined and provisions for adequate penalisation are also inserted in the Act. Obviously, rubbing the breast of a child would constitute an offence of ‘sexual assault’ under Section 7 of POCSO Act, punishable with imprisonment of either description for a term which shall not be less than three years and may extend to five years and also fine. They would reveal that the commission of such offences against the children should be viewed as heinous and serious. Needless to say, that commission of such offences cannot be taken lightly as offences of private nature and in fact, such offences are bound to be taken as offences against the society. In the decision in **Attorney General for India v. Satish and Anr. : (2022) 5 SCC 545** at paragraph 38, this Court held thus:-*

“The act of touching any sexual part of the body of a child with sexual intent or any other act involving physical contact with sexual intent, could not be trivialised or held insignificant or peripheral so as to exclude such act from the purview of “sexual assault” under Section 7. As held by this Court in



Balram Kumawat v. Union of India, the law would have to be interpreted having regard to the subject matter of the offence and to the object of the law it seeks to achieve. The purpose of the law cannot be to allow the offender to sneak out of the meshes of law.”

x x x x x x

33. *In view of the reasons as aforesaid and in the light of the decisions referred supra, the impugned order dated 04.02.2022 of the High Court in S.B.C.R.M.P. No.1348/2022, quashing the FIR No.6/2022 dated 08.01.2022 and all further proceedings pursuant thereto solely on the ground that the accused and the complainant had settled the matter, invites interference. We have no hesitation to hold that in cases of this nature, the fact that in view of compromise entered into between the parties, the chance of a conviction is remote and bleak also cannot be a ground to abruptly terminate the investigation, by quashing FIR and all further proceedings pursuant thereto, by invoking the power under Section 482, Cr.P.C. In the said circumstances, this appeal is allowed. The impugned order dated 04.02.2022 of the High Court in S.B.C.R.M.P. No.1348/2022 is hereby quashed and set aside. Consequently, the FIR No.6/2022, investigation and criminal proceedings pursuant thereto subject to the nature of the report to be filed under Section 173(2), Cr.P.C., be proceeded with against the accused, in accordance with law.”*

10. Reverting to the case in hand, there are *prima facie* serious allegations against the petitioner, of committing sexual assault upon the minor prosecutrix, stated to be aged about 15 years at the time of the alleged occurrence, and extending threats to her. The said allegations have been reiterated in the statement of the prosecutrix recorded under Section 164 Cr.P.C.. Such offences are not private in nature and have a serious impact on the society and by simply entering into a compromise, charges cannot be said to have been mitigated or that the allegations levelled by the complainant and prosecutrix regarding the alleged offence lost its gravity by



any means. It is a matter of the trial to ascertain the correctness of the statement of the prosecutrix, and this Court has no hesitation to hold that merely because the parties have entered into a compromise, cannot be a ground to abruptly terminate the trial proceedings by quashing the FIR particularly given the gravity of the alleged offence, and the legislative intent of the POCSO Act, which aims at providing a stringent framework to protect children from sexual exploitation and abuse.

11. Moreover, it has been brought to the notice of this Court that the petitioner has deliberately been evading arrest, resulting in proclamation proceedings under Section 84 of the BNSS, 2023 being initiated against him. Thus, the conduct of the petitioner also dis-entitles him from seeking relief, and the compromise, in the absence of his *bona fide* participation in the proceedings, cannot be made the basis for quashing the FIR.

12. Keeping in view the seriousness of allegations contained in the impugned FIR as well as the law laid down by Hon'ble Supreme Court in the aforesaid judgments, this Court does not find any merit in the present petition and the same is hereby dismissed.

13. Needless to say that nothing observed hereinabove shall be construed as an expression on the merits of the case.

14. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

March 25th, 2026
Gurpreet Singh

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