



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

CRM-M-32911-2025

AAMIR SUHEL

.....Petitioner

Versus

STATE OF PUNJAB AND ORS

.....Respondents

CRWP-5780-2025

TOHIBA

.....Petitioner

Versus

STATE OF PUNJAB AND ORS

.....Respondents

Decided on :28.08.2025

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Parvez Akhtar Dhaliwal, Advocate,
for the petitioners (in both the cases).

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J.

1. Petition i.e. CRM-M-32911-2025, has been filed for quashing of the FIR No.114 dated 25.05.2025, under sections 137(2) of BNS, 2023, at Police Station City 2 Malerkotla, and all other subsequent proceedings arising out from the FIR, on the basis of the compromise deed dated 12.06.2025 (Annexure P-2), as the matter has been amicably settled between the parties.

Petition i.e. CRWP-5780-2025, has been filed by the petitioner seeking issuance of direction to respondent Nos.2 to 4 to



protect his life and liberty from the threats and harassment by respondent Nos.5 and 6.

2. At the first instance, protection petition i.e. CRWP-5780-2025, was instituted by the petitioner Tohiba, through her friend Aamir Suhel, for seeking protection.

Considering the age of the petitioner i.e. of 16 years, and she being minor, on 28.05.2025, following order was passed by this Court:-

“Petitioner, Tohiba who is aged 16 years, daughter of Mohd. Ishaq and Mehnaz (respondents no.5 & 6) has filed the instant petition through Aamir Suhel (aged 23 years), who claims himself to be friend of Tohiba (aged 16 years), that in the Muslim religion, a girl who has attained puberty has a right to marry a person of her own choice without the consent of even her parents, apprehending danger at the hands of respondents no.5 & 6, i.e. parents of the petitioner-Tohiba.

Notice of motion.

Mr.Neeraj Madaan, Sr.DAG, Punjab on having advance copy, accepts notice on behalf of respondent-State of Punjab and submits that the present petition is not maintainable as any such act of Aamir Suhel, claiming himself to be friend of the minor girl, would be an offence under the POCSO Act and prays for time to file status report.

Adjourned to 10.06.2025, to enable the State counsel to file status report.

Meanwhile, State would also verify if any complaint has been moved by the petitioner-Tohiba or her parents against Aamir Suhel.



Tohiba is admittedly a minor. Accordingly, respondent no.3- Senior Superintendent of Police, Malerkotla, is directed to depute a senior police officer to record the statement of Tohiba (petitioner), by ensuring that the statement is made voluntarily, without coercion, threat or pressure from any quarter. And, in case minor-Tohiba wishes to go along with her parents, she may be allowed to do so or to make arrangement for sending her in safe house/shelter home located nearby. Let report in this regard be also incorporated in the status report.”

3. It is noticed that no status report has been filed by the State in the protection petition i.e. CRWP-5780-2025.

However, as a matter of consequence, FIR No.114 dated 25.05.2025, under Section 137(2) BNS, was registered at P.S. City II, Malerkotla, on the basis of the complaint moved by Mohd. Ishaq @ Kala, against Aamir Suhel. Both the parties, namely Mohd. Ishaq and the accused named in the FIR, Aamir Suhel, are Mohammedan (Muslim) by religion.

4. Subsequent to the registration of FIR, dispute between the parties were amicably resolved, and thereupon, petition i.e. CRM-M-32911-2025 was filed before this Court, with a prayer to quash the proceedings in FIR No.114 dated 25.05.2025 (supra), along with all the consequential proceedings, on the basis of compromise dated 12.06.2025.

5. On 01.07.2025, following order was passed in CRM-M-32911-2025:-



“CRM-24226-2025

Application for leave to file, plead and appear under Rule 3-A(I) of Chapter VI, Part-B, Volume-V, Punjab & Haryana High Court Rules & Orders. Allowed as prayed for subject to all just exceptions.

MAIN CASE

Contends that matter has been compromised between the parties i.e. petitioner as well as respondent No.2.

(2) Notice of motion.

(3) Ms. Manjot Kaur, learned AAG, Punjab accepts notice on behalf of respondent No.1/State.

(4) Mr. Kuldeep Singh, Advocate has filed Power of Attorney on behalf of respondent No.2. He acknowledged the factum of compromise dated 12.06.2025 (P-2) arrived at between the parties at their own level.

(5) Requisite number of copies of the petition be supplied to learned Counsel for the respondents during the course of day.

(6) Petitioner shall file his affidavit that there is no other criminal case(s) pending against him and also give the details of any other FIR(s), already quashed on the basis of compromise.

(7) In view of the above, let parties appear before the Court of learned Illaqa Magistrate/trial Court on or before 07.07.2025 for recording their statement(s) with reference to the compromise, if any, entered into between them.

(8) Learned Illaqa Magistrate/trial Court shall record the statement(s) of all accused, complainant/injured and victim, if any, and submit a



report to this Court before the next date of hearing containing the following information:-

(i). Whether the statements of the parties are bona fide and not result of any pressure or coercion etc. in any manner?

(ii). Whether the compromise effected between the parties is genuine and valid?

(iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?

(iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof?

(v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender? (vi). Whether any of the petitioner(s) is/are previous convict or not?

(9) List before this Court on 11.07.2025 for further consideration.

(10) Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection?

(11) Copy of this order be sent to learned Judicial Officer concerned forthwith for information and compliance.

(12) To be heard along with CRWP-5780-2025.”

6. During the pendency of the petition i.e. CRM-M-32911-2025, Tohiba, was ordered to be impleaded as party, vide order dated 19.08.2025, passed by this Court.

7. In compliance with the directions dated 01.07.2025, passed in CRM-M-32911-2025, statements of all concerned parties, including the minor, Tohiba, her father, Mohd. Ishaq, and the Investigating Officer, ASI Gurjant Singh (who was also present before this Court), were recorded by learned Chief Judicial Magistrate, Malerkotla. Subsequently,



the Court has forwarded its report, vide letter No.252 dated 08.07.2025 to this Court.

8. As per the report(s), compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the private respondent has also made statement to the effect that he would have no objection, if the FIR *qua* the accused-petitioner is quashed.

9. The trial Court has annexed the statements of the parties in original, along with its report. The relevant part of the said report is reproduced herebelow:-

- “1. The statements of parties are bona fide and not result of any pressure or coercion etc. In any manner;*
- 2. as per statements of parties, the compromise effected between them is genuine and valid;*
- 3. The accused, complainant, victim/prosecutrix through her father (complainant) are party to the compromise;*
- 4. As per statements of parties and Investigating Officer, no other case is pending against either of the parties;*
- 5. As per statements of parties and Investigating Officer, no person involved in this case/dispute has been declared proclaimed offender;*
- 6. As per statements of accused/petitioner and Investigating Officer, accused/petitioner is not previous convict.*

Accordingly report is being submitted please.”



10. In view of the report received from learned Chief Judicial Magistrate, Malerkotla, and the principles laid down by Hon'ble the Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*, and also by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, the petition i.e. CRM-M-32911-2025, is allowed. The aforesaid FIR and all consequential proceedings arising out of it, are quashed.

11. Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

CRWP-5780-2025

1. In view of the order passed here above in CRM-M-32911-2025, present petition stands disposed of, as having been rendered infructuous.

2. A photocopy of this order be placed on the file of other connected case.

28.08.2025
Lavisha

(SANJAY VASHISTH)
JUDGE

Whether Speaking/Reasoned: ✓YES/NO
Whether Reportable: ✓YES/NO