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

CRM-M-58310-2023

Date of Decision:- 08.05.2025

SONU

...Petitioner

Vs.

STATE OF HARYANA AND OTHERS

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Raghav Sharma, Advocate for petitioner.

Ms. Ambika Sood, Addl. A.G, Haryana.

AMARJOT BHATTI, J.

1. Petitioner has filed instant petition for quashing of FIR No.301 dated 26.04.2023 (Annexure P-1) under Sections 363, 366-A of IPC (deleted later), Sections 366 and 376 of IPC and Section 4 of POCSO Act added later) registered at Police Station Indri, Karnal on the written complaint filed by respondent No.2 and all subsequent proceedings arisen therefrom on the basis of compromise dated 23.10.2023 (Annexure P-2) or any other direction which the Court may deem fit in the given facts and circumstances of the case.

2. As per facts of the case, complainant 'GS' gave his statement



that he is father of 5 daughters and one son. Victim 'N' age about 16 years failed in 8th standard. She left the house on 26.04.2023 at 2 pm without telling anybody. Complainant suspected Sonu son of Dilip Singh for misguiding his daughter who has been taken away by giving allurements of marriage. He could not locate whereabouts of his daughter and ultimately matter was reported to the police.

3. Learned counsel for petitioner argued that in the aforesaid FIR No.301 dated 26.04.2023 (Annexure P-1) after completion of investigation, challan is presented under Sections 366 and 376 of IPC and Section 4 of POCSO Act. Allegations levelled against petitioner were false and he was wrongly challaned. Petitioner and the victim are resident of same *Dera* and the FIR was registered due to some mutual misunderstanding. A panchayat was convened between the parties and it was decided that their marriage will be performed once the girl attains the age of majority. Matter has been amicably settled between the parties. Copy of compromise dated 23.10.2023 is Annexure P-2. With these arguments, it is prayed that since the matter has been settled between the parties, their compromise may be accepted.

4. Status report has been called in which facts narrated in the FIR were confirmed. Investigation was conducted by DSP, Indri. Statement of victim was recorded by learned Judicial Magistrate 1st Class, Indri on 04.05.2023 under Section 164 Cr.P.C. (Annexure R-1). She was medically examined. Petitioner was arrested on 04.07.2023 and was released on bail by the trial Court on 14.03.2024. As per information supplied by the father of petitioner, marriage of petitioner and the victim was solemnized on



05.09.2024 but there is no proof regarding the same. After presentation of challan, chargesheet was framed and 5 prosecution witnesses have been examined. Victim did not support the prosecution case whereas police official and the Doctor are also examined. Case is pending for remaining prosecution evidence. Learned counsel representing State opposed the present petition seeking quashing of FIR on the basis of compromise.

5. I have considered the arguments. It is matter of record that FIR was lodged on the statement of father of the victim who is arrayed as respondent No.2. Present petitioner was named in the FIR. Admittedly, after completion of investigation challan is presented under Sections 363, 366 and 376 of IPC and Section 4 of POCSO Act. Allegedly at the time of said offence, victim was about 16 years of age. After the framing of chargesheet, 5 prosecution witnesses are already examined at the time of filing of status report on 28.02.2025. As per the status report, victim did not support the prosecution case and was declared hostile. Other prosecution witnesses are yet to be examined.

In light of aforesaid factual position, it is clear that victim was minor at the time of alleged offence. Otherwise as per facts narrated in the FIR, allegations are serious. Prosecution evidence is being recorded at a good pace. Testimony of victim and other witnesses will be appreciated by the learned trial Court at appropriate stage. Thus, it will be appropriate that case be decided on merits by the learned trial Court as per law. I do not find merits in the present petition filed by petitioner seeking quashing of FIR No.301 dated 26.04.2023 (Annexure P-1) under Sections 363, 366-A of IPC



(deleted later), Sections 366, 376 of IPC and Section 4 of POCSO Act (added later) registered at Police Station Indri, Karnal on the basis of compromise and the same is accordingly dismissed.

6. My observations are made for the disposal of present petition and it shall have no bearings on the merits of the matter.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

08.05.2025

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