



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

281

**CRM-M No.16758 of 2024
Date of decision: 23.05.2024**

SALEEM

.... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mohd. Salim, Advocate for the petitioner.

Mr. Satjot Singh, A.A.G., Punjab.

Mr. Puneet Bali, Advocate for respondent No.2.

MANISHA BATRA, J. (oral)

1. The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of FIR No.23 dated 15.03.2022 under Sections 323, 354, 363 and 511 of IPC and Section 12 of POCSO Act registered at Police Station Kiratpur Sahib, District Rupnagar (Annexure P-1) and all the subsequent proceedings arising therefrom and judgment of conviction dated 25.01.2024 and order on quantum of sentence dated 30.01.2024 (Annexure P-2), on the basis of compromise dated 05.02.2024 (Annexure P-3) arrived at between the parties and directions were given to record their statements before the trial Court in pursuance thereof.

2. The aforementioned FIR had been lodged by the daughter of respondent No.2 and investigation was commenced thereon.

3. Learned counsel for the petitioner has submitted that the parties by making amicable settlement have resolved their *inter se* dispute and therefore, it is submitted by them that the quashing of the aforementioned



complaint and the proceedings emanating therefrom, deserve to be allowed as the continuation of thereof would be a futile exercise.

4. This Court vide order dated 05.04.2024 had given directions to the parties to appear before the Sessions Judge for recording their statements.

6. Pursuant to the aforesaid orders, the District and Sessions Judge, Jalandhar has sent reports dated 07.05.2024 to this Court along with photocopies of the statements of respondent No.2, victim, petitioner/accused and Investigating Officer- SI Balbir Chand recorded on 23.04.2024.

7. On the basis of these statements, it is submitted by learned Magistrate that the compromise effected between the parties is genuine, out of free Will and without any pressure or coercion. It is also mentioned in the report that apart from the petitioner, there is one more accused in the FIR who was juvenile and challan against him was present before the Juvenile Justice Board and that the present petitioner has not been declared proclaimed person in this case.

8. I have heard learned counsel for the parties and besides perusing the report by learned trial Court, have also perused the record.

9. It is well settled that the High Court has power to allow compounding of a non-compoundable offence and quash the prosecution under Section 482 of Cr.P.C. where it feels that the same is required to prevent the abuse of process of law or otherwise to secure the ends of justice. In this regard, reference can be made to a Full Bench judgment of this Court in ***Kulwinder Singh and others v. State of Punjab, 2007 (3) RCR (Criminal) 1052***. It is equally settled position of law that the power of High Court in quashing criminal proceedings or FIR or complaint in exercise of its inherent



jurisdiction is of wide plenitude with no statutory limitation. Such power can certainly be exercised in cases where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. The High Court is required to consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law and whether to secure the ends of justice, it is appropriate to put an end to the criminal case and if the answer to such question is in affirmative, then the High Court is well within its jurisdiction to quash the criminal proceedings. Reference in this context can be made to Hon'ble Apex Court judgments cited as ***Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543*** and ***Narinder Singh and others vs. State of Punjab and another, 2014 (6) SCC 466***. Reference can also be made to another judgment rendered ***in Ramawatar vs. State of Madhya Pradesh, 2021 CrL. L.R. (SC) 1527***, wherein, it was observed that the powers under Article 142 or under Section 482 Cr.P.C., are exercisable in post-conviction matters only where an appeal is pending before one or the other Judicial forum. This is on the premise that an order of conviction does not attain finality till the accused has exhausted his/her legal remedies and the finality is sub-judice before an Appellate Court. The pendency of legal proceedings, be that may before the final Court, is sine-qua-non to involve the superior court's plenary powers to do complete justice. Conversely, where a settlement has ensued post the attainment of all legal remedies, the annulment of proceedings on the basis of a compromise would be impermissible. Such an embargo is necessitated to prevent the accused from gaining an indefinite leverage, for such a settlement/compromise will always be loaded with lurking



suspicion about its bona fide. It was also observed that the purpose of these extra-ordinary powers was not to incentivise any hollow-hearted agreements between the accused and the victim but to do complete justice by effecting genuine settlement(s).

10. So far as the offence under Section 12 of POCSO Act, is concerned, the High Court of Kerala in the case of ***Vishnu v. State of Kerala & Anr. and other connected matters reported in 2023(2) Ker L.J. 957*** dealt with the similar issue, wherein a bunch of cases filed U/s-482 of Cr.P.C. for quashing of the complaint of FIR wherein alleged offences under the POCSO Act was taken altogether and the fact in all those cases remained that there has been settlement/compromise between the parties i.e. petitioner and victim. The Court was poised with the question whether Court can quash any proceeding with regard to sexual offences against women and children wherein settlement between the parties have taken place. Paragraphs-16 of the said judgment reads as under:-

16. *"From the precedents and law on the subject enunciated above, it can be concluded that though the High Court should not normally interfere with the investigation/criminal proceedings involving sexual offences against women and children only on the ground of settlement, it is not completely foreclosed in exercising its extraordinary power under section 482 of Cr. P.C or Article 226 of the Constitution of India to quash such proceedings in 'extraordinary circumstances' to do complete justice to the parties. However, it is always a difficult task for the Court to identify the so-called 'extraordinary circumstance'. The interest of the victim and the societal interest often clash, making the job of Courts more complex. The issue must be considered from different perspectives, the pros and cons must be weighed, and a rational view must be taken. A holistic approach is called for in identifying the cases fit for compromise."*

11 In view of the proposition of law as settled in the aforementioned cases, this Court finds that continuation of proceedings would be an abuse of process of the Court in the facts and circumstances of the present case which squarely falls within the ambit and parameters settled by judicial precedents and that allowing and accepting the prayer of the petitioner by quashing of the FIR No.23 dated 15.03.2022 under Sections 323, 354, 363 and 511 of IPC and Section 12 of POCSO Act registered at Police Station Kiratpur Sahib, District Rupnagar (Annexure P-1) as well as judgment of conviction dated 25.01.2024 and quantum of sentence dated 30.01.2024 (Annexure P-2), would be securing the ends of justice, which is primarily the object of legislature enacted under Section 482 of Cr.P.C. Accordingly, the petition is allowed and the FIR No.23 dated 15.03.2022 under Sections 323, 354, 363 and 511 of IPC and Section 12 of POCSO Act registered at Police Station Kiratpur Sahib, District Rupnagar (Annexure P-1) as well as judgment of conviction dated 25.01.2024 and quantum of sentence dated 30.01.2024 (Annexure P-2) and all the subsequent proceedings arising therefrom, are ordered to be quashed qua the petitioner on the basis of compromise.

12. Needless to say that the parties shall remain bound by the terms and conditions of the compromise and statements as recorded before learned District and Sessions Judge.

23.05.2024

Jyoti-IV

(MANISHA BATRA)

JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable : Yes/No