

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

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CRM-M-12268-2015 (O&M)

Date of Decision: 3.8.2015

AMRITPAL SINGH

.....Petitioner

Vs

STATE OF PUNJAB AND ORS.

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. K.B.S.Mann Advocate,
for the petitioner.

Mr.Varun Sharma, AAG, Punjab.

Mr.Vivek Goel, Advocate
for respondent Nos.2 and 3.

RAJ MOHAN SINGH, J. (Oral)

CM No.24017 of 2015

This application has been filed to place on record marriage certificate, marriage invitation cards and photographs of marriage.

For the reasons mentioned in the application, the same is allowed. Annexures P-6 to P-9 are taken on record.

CRM-M-12268-2015

Prayer in this petition is for quashing of FIR No. 13

dated 1.2.2015 registered under Sections 363/ 366-A IPC and

Section 376 IPC (added later on) at Police Station City Muktsar District Sri Muktsar Sahib on the basis of compromise.

On 26.5.2015, following order was passed:-

“Respondents No.2 and 3 are present in Court and they have been represented by their counsel Mr.Vivek Goel.

Petitioner seeks quashing of FIR No. 13 dated 1.2.2015 under Sections 363/ 366-A IPC and 376 IPC Police Station City Muktsar District Sri Muktsar Sahib on the basis of compromise.

In ordinary circumstance, quashing on the basis of compromise in respect of offence involved hereinabove, is not to be entertained, but in the present case petitioner through the mediation done by family members and relatives on both sides is ready and willing to enter into nuptial knot with victim.

Notice of motion for 3.8.2015.

At this stage, without embarking upon merits of this case and in order to test the bona fide of the petitioner, let petitioner be granted interim bail for one month subject to his furnishing adequate/heavy bail bonds/ surety bonds to the satisfaction of Chief Judicial Magistrate, Sri Muktsar Sahib.

Petitioner is directed to surrender before

the Superintendent of Sub-Jail, Sri Muktsar Sahib after expiry of one month from the date of his release.”

Respondent No.2 Bhapa Singh and respondent No.3 Harvinder Kaur are present in Court and have been identified by Mr.Vivek Goel, Advocate and Head Constable Jasbir Singh.

Mr.Vivek Goel, Advocate, on instructions from respondents No.2 and 3, admits that marriage has been solemnised between Harvinder Kaur and Amritpat Singh on 10.6.2015.

Balvir Singh, father of petitioner Amritpal Singh, is also present in Court and has been identified by Mr.K.B.S.Mann, Advocate.

Learned counsel for the petitioner, on instructions from Balvir Singh, also admits the factum of marriage having taken place on 10.6.2015.

After performance of marriage, petitioner has already surrendered to jail on 29.6.2015 within one month from his release from the jail. In normal circumstances, FIR under Sections 363, 366-A and 376 IPC cannot be quashed on the basis of compromise. Marriage between the accused and the victim is only an exception in which Court can exercise indulgence keeping in view the background of the parties and other attending circumstances. In the instant case, marriage has

been established on record, as per stand of both the parties.

In Court of its own motion (**Lajja Devi vs. State, 2012 (4) RCR (Civil) 821**), Full Bench of Delhi High Court protected matrimonial tie between the parties in order to prevent them to suffer vagaries to the matrimonial status.

In **Yogesh Handa vs. State of Punjab and another 2013 (4) RCR (Crl.) 472**, the controversy was answered on the basis of aforesaid judgment in **Lajja Devi's case (supra)** and proceedings were quashed.

In the instant case, parties have entered matrimonial tie and accepted themselves to be part of matrimonial life. With the change of status, the offences can be termed as personal offences. Continuation of criminal proceedings, in considered opinion of this Court, would be having adverse effect on the matrimonial relation between the couple.

The compromise would facilitate both the parties to live in peace and to maintain public tranquility and offence in question is personal in nature and does not involve any heinous and serious offence of any mental depravity, nor it involves any offence covered under Prevention of Corruption Act. Therefore, when possibility of conviction is remote and bleak, continuation of criminal proceedings would put the accused to oppression and prejudice. In such a situation the exercise of power to quash the proceedings would be in consonance with the

provisions of law to meet ends of justice and to prevent unnecessary continuation of proceedings which may ultimately result in some unnecessary vagaries of criminal trial.

Since the case is at initial stage, inherent jurisdiction of this Court under Section 482 can be exercised in order to prevent abuse of process of law and to achieve ends of justice.

Resultantly, FIR No. 13 dated 1.2.2015 registered under Sections 363/ 366-A IPC and Section 376 IPC (added later on) at Police Station City Muktsar District Sri Muktsar Sahib and all the subsequent proceedings arising therefrom, are quashed.

August 03, 2015
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(RAJ MOHAN SINGH)
JUDGE