

237 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M-13941-2015 (O&M)

Date of decision :07.12.2015

Satish Kumar

..... Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.A.S.Saini, Advocate for the petitioner.

Mr.Ashish Sanghi, DAG, Punjab.

Mr.Kuldeep Singh Saini, Advocate for respondent No.2.

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR.

On the last date the following order was passed:-

“ Prayer is for quashing of FIR No.96 dated 19.7.2014 under Sections 363,365,366 IPC at the first instance and thereafter under Sections 376/511 IPC with P.S Sadar Rupnagar, District Rupnagar in view of compromise dated 11.02.2015 (P.2).

Learned counsel for the petitioner has argued that even though the Sections mentioned in the FIR are very serious yet the fact remains that it is a case of elopement and that even the alleged prosecutrix is, till date living with the family of the petitioner and they are both very interested in solemnizing their marriage.

Learned state counsel states that although the FIR in normal circumstances against such a serious offence cannot be quashed by compromise but it is a case of elopement and the petitioner and the victim are likely to get married, therefore, he would not oppose the same.

In these circumstances, I deem it appropriate to release the petitioner on interim bail to the satisfaction of the learned trial Court to enable the parties to get married and record their statements before the learned trial Court.

Adjourned to 07.12.2015.

Meanwhile, the parties are directed to be present before the learned trial Court/Illaq Magistrate on 20.10.2015 or any other date convenient to the Court for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case is pending against either of the parties or not before the next date of hearing.

Interim order to continue.”

Thereafter, the report of the District & Sessions Judge, Ropar dated 19.11.2015 has been received whereby he had mentioned that the parties had appeared before him and had attested to the fact that a compromise had indeed taken place between them and that the compromise had been executed voluntarily and without any pressure. He has further reported that petitioner-accused Satish Kumar has performed marriage with victim-respondent No.3, Rajni. He has also reported that as per report received from P.S. Sadar Rupnagar no other

criminal case is pending against the petitioner. Learned DAG has accepted this fact.

The Hon'ble Supreme Court in **Gian Singh v. State of Punjab and another** reported as 2012(4) RCR(Criminal) 543 has discussed in detail the inherent powers of High Court in quashing a criminal proceeding or FIR or complaint where the parties have entered into compromise except the cases which involve offences such as murder, rape dacoity etc. as such offences are not private in nature and have serious impact on society.

In view of the above judicial pronouncement I am of the considered opinion that continuation of criminal proceedings between the parties would be an abuse of the process of law and the present compromise is for their benefit and will bring peace and harmony between them.

Consequently, this petition is allowed and the *FIR No.96 dated 19.7.2014 under Sections 363,365,366 IPC at the first instance and thereafter under Sections 376/511 IPC with P.S Sadar Rupnagar, District Rupnagar* and all other proceedings arising therefrom are quashed qua the petitioners.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)

JUDGE

December 07, 2015

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