

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

**CRM-M-25667 of 2014
Date of Decision: 29.04.2015**

BOBBY @ BABBY AND OTHERS **..... Petitioners**

VERSUS

STATE OF PUNJAB AND OTHERS **..... Respondents**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. M. S. Bajwa, Advocate
for the petitioners.

Mr. Varun Sharma, AAG, Punjab.

Mr. Ajay Arora Barti, Advocate
for respondent No.2.

1. **Whether Reporters of local papers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest?**

RAJ MOHAN SINGH J. (ORAL)

Petitioners seek quashing of FIR No.34 dated 16.06.2014 under Sections 363/366-A/120-B IPC police Station D-Division, District Amritsar along with subsequent proceedings if any undertaken in pursuance thereof on the basis of compromise.

FIR was registered at the instance of respondent No.2. At that time respondent No.2 thought that the petitioners had kidnapped his daughter. Subsequently, it was found that daughter of the complainant had solemnized marriage with petitioner No.2 and as a result of that, with the intervention of respectables a compromise was arrived at between the parties.

On 10.09.2014, this Court passed the following order;

“The factum of marriage of daughter of the complainant with petitioner No.2 has been affirmed by learned counsel appearing for respondent No.2. During the pendency of proceedings, a compromise has been effected between the parties.

Since it is a petition for quashing of FIR on the basis of compromise, let the parties be present before the Illaqa Magistrate on 22.09.2014 or any other date convenient to the Court for recording their statements with regard to compromise. The Illaqa Magistrate is directed to record the statement 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 Illaqa Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any case is pending against either of the parties or not before the next date of hearing. The Illaqa Magistrate is also directed to intimate with regard to pendency of any P.O. Proceedings against the parties.

Adjourned to 03.11.2014."

In pursuance to the aforesaid order, statements of Ramesh Kumar/respondent No.2, Bobby @ Babby, Rani-wife of Bobby and Saurav son of Bobby were recorded by the Judicial Magistrate, First Class, Amritsar on 22.09.2014. The factum of compromise was duly endorsed by all the aforesaid persons and it was stated that the compromise has been effected between them voluntary and without any pressure or coercion. The complainant got recorded his statement to the effect that he does not want to proceed with the case any more.

Factum of compromise was duly considered by the Judicial Magistrate, First Class, Amritsar and he formed the opinion that a compromise has been effected without any pressure or coercion and the same is genuine and voluntary in nature. A report to this effect was prepared on 22.09.2014 and submitted to this Court.

Today, Komal-wife of petitioner No.2 and daughter of the complainant is also present in Court. This Court thought it appropriate to record her statement on oath. Statement of Komal is to the following effect;

“Stated that my marriage was solemnized with Saurav son of Bobby @ Babby. Today I have come from my matrimonial house. I want to live with my husband. I am living in my matrimonial house happily without there being any fear or apprehension. My father has also accepted my matrimonial ties with Saurav. I do not wish to continue with any criminal case against my in-laws. I do not wish to appear as witness in any such criminal case which may spoil my matrimonial relation with my husband and in-laws. Now we are living happily. My father has accepted the matrimonial relation. I have no objection in case the prosecution launched against my husband and in-laws is quashed.”

Komal has been duly identified by the Advocate appearing on behalf of respondent No.2. Since the alleged abduct has already solemnized marriage with petitioner No.2 and is living her matrimonial life happily with her husband/petitioner No.2, therefore this Court thinks that inherent jurisdiction in terms of Section 482 Cr.P.C. can be pressed into service so as to protect matrimonial life of Komal with petitioner No.2 by quashing offences in terms of Sections 363, 366-A, 120-B IPC registered against the petitioners.

The aforesaid course would be consonance with lawful criteria in order to prevent abuse of process of law and to achieve ends of justice in larger interest of the matrimonial couple.

This Court is of the opinion that in view of compromise between the parties, chances of conviction of the accused are remote and there is minimal chance of the witnesses coming forward to depose in support of prosecution version. In view of remote chances of conviction, it would be appropriate to

exercise discretionary power of this Court under Section 482 Cr.P.C. to put an

end to the controversy for all times to come. 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.

Learned State counsel however, object to the aforesaid course, but in order to prevent unnecessary continuation of criminal proceedings on the ground that there are bleak chances of conviction in the case, this Court is of the opinion that it would be in fitness of things to quash the proceedings on the basis of compromise.

Resultantly, FIR No.34 dated 16.06.2014 under Sections 363/366-A/120-B IPC police Station D-Division, District Amritsar along with all subsequent proceedings are hereby quashed.

(RAJ MOHAN SINGH)
JUDGE

29.04.2015
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