

Crl. Misc. No. M-44325 of 2015

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-44325 of 2015

DATE OF DECISION: 31.05.2016

Ranjit Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)**
- 2. To be referred to reporters or not? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest? (Yes/No)**

Present:- Mr. RK Arya, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

None for respondents No.2 and 3.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 162 dated 5.11.2014 registered under Sections 363,366 IPC at Police Station Dhariwal, District Gurdarpur, on the basis of compromise arrived at between the parties.

Aforesaid FIR was registered on the basis of complaint made by complainant-respondent No.2, wherein, it was stated that his daughter, aged about 17 years was a student of 10+1 class. Petitioner-Ranjit Singh used to call his daughter and despite repeated warnings not to call his daughter, he did not mend his ways. On 4.11.2014 at about 6.30 am,

respondent No.2 dropped his daughter at tuition centre but she did not return home. She was searched out but was not found anywhere. It was mentioned in the complaint by respondent No.2 that he was sure that petitioner-Ranjit Singh has enticed away his minor daughter by alluring her with an intention to marry. During pendency of the proceedings, with the intervention of the respectables of the society, the matter was compromised between the parties, which was reduced into writing vide compromise deed dated 3.1.2015. In the compromise, both the parties decided not to pursue the matter against each other. Respondent No.3, daughter of respondent No.2 was minor at the time of lodging of the FIR but she has attained the age of majority at the time of compromise. As per settlement arrived at between the parties, the present petition has been filed for quashing of FIR on the basis of compromise.

Notice of motion was issued on 7.1.2016 and vide order dated 29.3.2016, the parties were directed to appear before the Illaqa Magistrate for recording of their statements with regard to compromise.

In response to the said direction issued by this Court, the parties appeared before Chief Judicial Magistrate, Gurdaspur and their statements were recorded. After recording of their statements, a report along with the statements of the parties has been sent, which is on record wherein the factum of compromise has been affirmed. It has also been mentioned in the report that the compromise arrived at between the parties is genuine and without any pressure from either side. Complainant-respondent No.2 has specifically stated in his statement that he has settled the dispute with the accused persons and has no objection in quashing of the FIR and other proceedings. Statement of complainant-respondent No.2 is reproduced as

under:-

“Stated that FIR No. 162 dated 5.11.2014 under Sections 363,366 IPC was registered at Police Station Dhariwal, District Gurdaspur (Punjab) against accused person Ranjit Singh on my statement. Now with the intervention of respectables the matter has been compromised. Therefore, I do not want to pursue the present case. I have no objection, if the present FIR is quashed by Hon'ble Punjab and Haryana High Court, Chandigarh, on the basis of compromise. I have suffered this statement voluntarily without any coercion or undue influence. Except present FIR there is no other case pending between me and the accused.”

Similarly, statement of daughter of complainant (victim) was recorded as she was 19 years of age at the time of recording of the statement, which is also reproduced as under:-

“Stated that FIR No. 162 dated 5.11.2014 under Sections 363,366 IPC was registered at Police Station Dhariwal, District Gurdaspur (Punjab) against accused person Ranjit Singh on the statement of my father. I was the victim of the occurrence on the basis of which said FIR was registered. Now with the intervention of respectables the matter has been compromised. Therefore, I do not want to pursue the present case. I have no objection, if the present FIR is quashed by Hon'ble Punjab and Haryana High Court, Chandigarh, on the basis of compromise. I have suffered this statement voluntarily without any coercion or undue influence. Except present FIR there is no other case pending between me and the accused.”

It has been held by Five Judges' Bench of our own High Court in **Kulwinder Singh and others vs. State of Punjab and others, 2007(3) RCR (Criminal) 1052** that this Court has wide power to quash the criminal proceedings even in non-compoundable offences, notwithstanding the bar under Section 320 of the Criminal Procedure Code in order to prevent abuse of the process of law or to secure the ends of justice.

Similar view was taken in the case of **Santokh Singh Vs. State of Punjab** 2007 (3) Crl. 600, wherein, the accused was convicted under Section 307 IPC and was sentenced to undergo RI for ten years and the complainant and accused were real brother, the offences were allowed to be compounded.

Since the dispute between the parties has been settled by way of compromise and complainant as well as his daughter (victim) has no objection in quashing of the FIR and other proceedings; no purpose would be served in case proceedings are continued in future as it would amount to wastage of precious time of the Court. Moreover, it would not be in the interest of the parties as the complainant is not going to support the case of the prosecution. The purpose of the compromise is to maintain peace and harmony in the relations.

Accordingly, the present petition is allowed and the impugned criminal proceedings arising out of FIR No. 162 dated 5.11.2014 registered under Sections 363,366 IPC at Police Station Dhariwal, District Gurdarpur as well as all subsequent proceedings arising therefrom qua petitioner, namely, Ranjit Singh, are hereby quashed.

May 31, 2016

(DAYA CHAUDHARY)
JUDGE