

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

Criminal Misc. No. M- 18804 of 2017(O&M)

Date of Decision: October 4 , 2017.

Gurtej

..... PETITIONER(s)

Versus

State of Haryana and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Virender Soni, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, AAG, Haryana.

Mr. Rajpal Singh, Advocate for
Mr. Vikram Narwal, Advocate
for respondents No.2 and 3.

LISA GILL, J.

CRM No.31854 of 2017

In view of the averments in the application and the arguments addressed, Smt. Sapna Saini wife of Gurtej daughter of Sunil Saini, through her father and natural guardian, Sunil Saini resident of #793, Chand Sarai, Near Jundla Gate, Karnal, District Karnal is impleaded as respondent No.3 in this petition. Amended memo of parties is taken on record.

CRM is disposed of.

CRM No.M-18804 of 2017

Prayer in this petition is for quashing of FIR No.440 dated
24.04.2017 under Sections 363/366A IPC registered at Police Station Karnal

City, District Karnal and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

Respondent No.3 – Sapna Saini, duly identified by ASI Jitender Singh, Police Station City Karnal, is present in Court. She states that she solemnized marriage with the petitioner – Gurtej on 24.04.2017. She is residing with him at their matrimonial home. She solemnized marriage out of her own free will. Her father had registered the abovesaid FIR as he was earlier not in favour of this alliance. Now all misunderstandings have been removed, her father no longer has any objection to her marriage with the petitioner and no action be taken against the petitioner.

It is submitted that the abovesaid FIR was registered against the petitioner as the complainant/respondent No.2 was not in favour of marriage solemnized by the petitioner and daughter of respondent No.2. Daughter of respondent No.2 is admittedly minor, however her marriage is not rendered void on this count. Moreover, the petitioner is also a young boy aged twenty years (20) only. The matter, it is stated, was amicably resolved between the parties as reflected in the compromise dated 18.05.2017 (Annexure P3). The parties decided to put an end to the acrimony between them and wish to live in peace and harmony. The petitioner and daughter of respondent No.2 are admittedly living peacefully in their matrimonial home. It is further submitted that in such circumstances, the father who is the complainant in this case, being the natural guardian of respondent No.3 is competent to amicably settle the matter though the alleged victim in this case is minor. Reference is made to Section 320(4)(a) of Code of Criminal Procedure. Thus, this petition be allowed.

The parties vide order dated on 24.05.2017 were directed to appear

before learned trial court/Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned trial court/Illaqa Magistrate was directed to submit a report regarding the genuineness of the compromise, number of accused persons involved in this case and whether any of the accused have been declared proclaimed offenders.

Pursuant to order dated 24.05.2017, the parties appeared before the learned Judicial Magistrate First Class, Karnal and their statements were recorded on 01.06.2017. Joint statement of the petitioner and respondent No.2 in respect to the settlement was recorded to the effect that the matter has been amicably resolved between them out of their own free will, without any threat, fear, coercion or undue influence. Respondent No.2 stated that he has no objection in case the abovesaid FIR is quashed against the accused petitioner.

As per report dated 09.06.2017 received from the learned Judicial Magistrate First Class, Karnal, it is opined that the settlement between the parties is genuine and voluntary, arrived at without any kind of coercion or undue influence. The petitioner is not reported to be a proclaimed offender. Joint statement of the parties is appended alongwith the said report.

Learned counsel for respondents No.2 and 3 reaffirms and verifies the factum of settlement between the parties. It is submitted that in view of marriage solemnized between the petitioner and respondent No.3, the complainant/respondent No.2 has no objection to the quashing of the abovementioned FIR against the petitioner. Respondent No.3 is affirmed and verified to be living with her husband i.e., the petitioner after solemnization of marriage.

Learned counsel for the State has no objection to the quashing of the

FIR in question as well as all consequential proceedings on the basis of a settlement arrived at between the parties. It is verified, on instructions of ASI Jitender Singh Singh, that the petitioner and respondent No.3 are living together in their matrimonial home.

In Kulwinder Singh and others versus State of Punjab and another 2007 (3) R.C.R. (Criminal) 1052, a five member Bench of this Court has observed as under:-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.

Keeping in view the facts and circumstances of this case, it would be in the interest of justice to quash the abovesaid FIR as no useful purpose would be served by continuance of the present proceedings. It will merely lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No.440 dated 24.04.2017 under Sections 363/366A IPC registered at Police Station Karnal City, District Karnal alongwith all consequential proceedings are, hereby, quashed.

(LISA GILL)
JUDGE

October 4, 2017.
'om'

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No