

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

CRM-M No. 2753 of 2017(O&M)

Date of decision: 24.4.2017

Raghunandan @ Raghav

....Petitioner

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Jagjit Singh, Advocate for the petitioner.

Mr. Mikhail Kad, AAG, Punjab.

Mr. N.S. Dadwal, Advocate for respondent No.2 and 3.

REKHA MITTAL, J.

By invoking Section 482 Cr.P.C., the petitioner has prayed for quashing of FIR No. 05 dated 11.01.2016 for offence punishable under Sections 363, 366 of the Indian Penal Code, 1860 (offence under Section 376 IPC added later) registered at Police Station Division No.2, Pathankot District Pathankot and proceedings emanating therefrom on the basis of compromise (Annexure P-3) arrived at between the parties.

In the present case, the FIR was registered on the statement of Premo Devi widow of Ramesh Chander. Now, dispute between the parties has been resolved by way of compromise (Annexure P-3).

Vide order dated 31.01.2017, the parties were directed to appear before the trial Court to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Additional Sessions Judge, Pathankot wherein it has been reported that

statements of the parties have been recorded and they have voluntarily compromised the matter.

Counsel for the petitioner has submitted that Anshu, the alleged victim of the crime has performed marriage with the petitioner and even the complainant Premo Devi, mother of Anshu has reconciled with marriage of Anshu and Raghunandan @ Raghav. It is further argued that after performing marriage, the petitioner and Anshu filed a joint petition CRM-M No.1485 of 2016 which was disposed of by this Court vide order dated 16.02.2016 (Annexure P-2) whereby the Senior Superintendent of Police, Pathankot was directed to look into grievance of the petitioners expressed in their representation dated 12.01.2016 and take appropriate measures in accordance with law, if found necessary. Another submission made by counsel is that in case the criminal proceedings are allowed to continue, it would aggravate misery of Anshu, the alleged victim of the crime who is being deprived of conjugal bliss as Raghunandan @ Raghav is behind the bars on the basis of FIR lodged by Premo Devi – complainant in which offence under Section 376 IPC was added later on the basis of statement of the prosecutrix.

Counsel for respondents No.2 and 3 has not disputed that Anshu has performed marriage with Raghunandan @ Raghav and she has voluntarily recorded her statement before the trial Court on 10.03.2017. Certified copies of the statements of Anshu, Premo Devi and Raghunandan recorded by the trial Court on 10.03.2017 were filed in the Court and taken on record.

Counsel for the State of Punjab has not disputed the fact of compromise between the parties in view of statements recorded by the parties before the trial Court.

Be that as it may, it is admitted position of the case that Anshu, the alleged victim of the crime performed marriage with Raghunandan @ Raghav. Respondents No.2 and 3 recorded their statements before the trial Court that they do not want any action against the petitioner in pursuance of the FIR lodged by Premo Devi, mother of Anshu.

Raghunandan @ Raghav and Anshu filed a joint petition seeking protection of their life and liberty that came to be allowed by this Court vide order dated 16.02.2016 and by that time, Raghunandan @ Raghav had already been arrested by the police on the basis of FIR registered at the instance of Premo Devi. The trial Court in its report has mentioned that the prosecutrix and the complainant were examined during trial but both of them did not support the prosecution and resiled.

No doubt, Hon'ble the Supreme Court in **Gian Singh v. State of Punjab and another'**, 2012 (4) R.C.R. (Criminal) 543 has held that the High Court in exercise of extraordinary jurisdiction under Section 482 Cr.P.C. shall not quash the criminal proceedings involving serious offences such as rape, sedition, cases under the Prevention of Corruption Act, 1988 and cases having serious ramifications for the public at large. However, in view of the fact that the alleged victim of the crime has performed marriage with the petitioner even prior to lodging of the FIR and the prosecutrix and her mother have not supported the case of the prosecution during trial in view of compromise effected between the parties,

continuation of criminal proceedings in the circumstances would be nothing but an exercise in futility at the cost of misery to the victim as well as the petitioner. Taking into consideration the peculiar facts and circumstances of the present case, the mere fact that the petitioner has also been indicted for the offence punishable under Section 376 IPC should not stand in his way for seeking quashing of the proceedings on the basis of compromise.

For the foregoing reasons, the petition is allowed, FIR No. 05 dated 11.01.2016 under Sections 363, 366 IPC (offence under Section 376 IPC added later) registered at Police Station Division No.2, Pathankot District Pathankot and proceedings emanating therefrom stand quashed qua the petitioner.

APRIL 24, 2017		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no