

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

**CRM No. M-29636 of 2016
Date of decision: 16.05.2017**

Dalbir Singh

..... Petitioner.

Versus

State of Punjab and others

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. M.S. Atwal, Advocate, for
Mr. Joginder Pal Ratra, Advocate, for the petitioner.

Mr. Rajpreet Singh Sidhu, AAG, Punjab.

Mr. Amit K. Saini, Advocate, for respondents No.2 and 3.

LISA GILL, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 160 dated 01.07.2016 (**Annexure P-1**) registered under Sections 363 and 366 of the Indian Penal Code (for short 'IPC') at Police Station Sultanwind, Police Commissionerate, District Amritsar and all other consequential proceedings arising therefrom.

It is submitted that no offence punishable under Sections 363 and 366 of the IPC is made out against the petitioner. In fact the petitioner and respondent No. 3 solemnized marriage on 24.07.2016. Furthermore, the above said FIR was registered on the basis of a statement of respondent No. 2 i.e. the mother of respondent No. 3. The FIR has been registered on the basis of certain misunderstandings which crept in due to unwillingness on the part of respondent No. 2 to accept the marriage of the petitioner with her daughter. Respondent No. 3, it is submitted has now attained majority. She is about 18 ½ years old and is living with the petitioner in a peaceful and harmonious manner. Furthermore, the matter has been amicably resolved

between the parties. Respondent No. 2 has reconciled to the marriage of the petitioner and her daughter (respondent No.3) and has no objection to the quashing of the above said FIR.

This Court on 26.08.2016 directed the parties to appear before the learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned Illaqa Magistrate was directed to submit a report regarding its satisfaction with regard to the compromise and to intimate regarding pendency of any proclamation proceedings against any of the parties.

Pursuant to order dated 26.08.2016, the parties appeared before the learned Judicial Magistrate 1st Class, Amritsar on 09.09.2016. Respondent No. 3 stated that she solemnized marriage with the petitioner on 24.07.2016 out of her own free will, without any coercion or undue influence. The above said FIR was registered at the behest of her mother. The matter has been amicably resolved with her mother. Respondent No. 3 stated that she in any case, has no objection to the quashing of the above said FIR. Respondent No.2 stated that the matter has been amicably resolved with the intervention of the respectables. She has no objection to the quashing of the above said FIR against the petitioner. Statement of the petitioner in respect to the settlement was also recorded.

As per report dated 09.09.2017, submitted by the learned Judicial Magistrate 1st Class, Amritsar it is opined that the compromise between the parties is genuine, voluntary, arrived at out of the free will of the parties. The petitioner is not a proclaimed offender.

As per reply dated 27.03.2017 filed by way of affidavit of Prabhjot Singh, PPS, Assistant Commissioner of Police, Amritsar on behalf of

respondent No. 1, it is mentioned that the offences punishable under Section 376 of the IPC as well as Section 67-A of the I.T. Act were added on 04.07.2016, in view of the medical examination of respondent No. 3. It is mentioned in the medico legal report that possibility of subjection of respondent No. 3 to sexual intercourse cannot be ruled out. It is, however, mentioned that respondent No. 3 has suffered a statement to the effect that she solemnized marriage with the petitioner out of her own free will. She does not wish any action to be taken against the petitioner. Her statement in this respect was duly recorded and is appended as Annexure R-1/T with the said reply

Learned counsel for the State on instructions from ASI Ashwani Kumar affirms that the petitioner and respondent No. 3 are now living together and in view of the facts and circumstances of the case, does not raise any serious objection to the quashing of the above said FIR on the basis of a settlement arrived at between the parties.

Learned counsel for respondents No. 2 and 3 affirms and verifies the factual matrix of the case. It is submitted that respondents No. 2 and 3 have no objection to the quashing of the aforesaid FIR against the petitioner. Respondent No. 3, it is reiterated is living in a peaceful and harmonious manner with her husband, the petitioner at 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”.

It is apparent that the petitioner and respondent No. 3 are cohabiting together at their matrimonial home after solemnization of their marriage. Respondent No. 2 and his family have accepted the petitioner in their family. In view of the above, 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 only lead to wastage of precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No. 160 dated 01.07.2016 registered under Sections 363, 366 of the IPC, later Section 376 of the IPC and Section 67-A of the I.T. Act added, at Police Station Sultanwind, Police Commissionerate, District Amritsar alongwith all consequential proceedings arising therefrom are hereby quashed.

(LISA GILL)
JUDGE

16.05.2017

PA

Whether speaking/reasoned : *Yes/No.*
Whether reportable : *Yes/No.*