

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

**CRM No. M-3402 of 2015
Date of decision: 16.02.2017**

Gaurab Singh

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ankit Duggal, Advocate, for
Mr. Harjeet Savra, Advocate for the petitioner.

Mr. Sultan Singh Gill, DAG, Punjab.

Mr. M.S. Basra, Advocate, for respondent No.2.

LISA GILL, J.

Prayer in this petition under Section 482 of the Code of Criminal Procedure is for quashing of FIR No. 164 dated 24.11.2014 registered under Sections 363 and 366-A of the Indian Penal Code (for short 'IPC') at Police Station Sadar Hoshiarpur and all other consequential proceedings arising therefrom.

. The above said FIR was registered on the statement of Sh. Darshan Singh- respondent No. 2 i.e. father of the alleged victim, alleging commission of offences under Sections 363 and 366-A IPC qua the petitioner. It is submitted that this FIR was registered due to a misunderstanding. The complainant's daughter and the petitioner liked each other and wanted to solemnize marriage but this was not acceptable at the outset to respondent No.2.

It was brought to the notice of this Court on 16.01.2017 that the petitioner and the daughter of respondent No. 2 have since got married

on 09.03.2016 and they are living happily at matrimonial home. Today, respondent No. 2- Darshan Singh as well as his daughter, duly identified by the counsel, are present in Court. It is reiterated by the daughter of respondent No. 2 that she voluntarily left her parental home on 16.11.2014 with the petitioner. She solemnized marriage with the petitioner on 09.03.2016 and is living happily with the petitioner.

With the intervention of respectables, elders and friends, a compromise was arrived at between the parties on 29.12.2014. The parties wish to live in peace and harmony and put an end to the acrimony between them. Present petition has been filed on the basis of this compromise.

This Court on 31.03.2015 had directed the parties to appear before the learned trial Court on 04.05.2015 for getting their statements recorded in respect to the above-mentioned compromise. Learned trial Court was directed to submit a report regarding the genuineness of the compromise, as to whether it has been arrived at out of the free will and volition of the parties, without any coercion, fear or undue influence in any manner. Information was also sought regarding any other case pending against either of the parties.

Pursuant to order dated 31.03.2015, the parties appeared before the learned trial Court and their statements were recorded on 04.05.2015 in respect of the settlement arrived at between them. Respondent No. 2- Sh. Darshan Singh stated that date of birth of his daughter is 06.03.1998. She had left her parental home, without informing anybody, with the petitioner. She in fact had friendly relations with the petitioner and intended to marry him. It was under a misconception that the above said FIR was got registered. The matter has since been amicably settled between the parties, therefore, he would have no objection in case the above said FIR against the petitioner is quashed.

Statement of petitioner-Gaurab Singh in this respect was recorded. SI Surinder Singh stated that except the present case, no other case was pending between the parties.

Alleged victim (daughter of respondent No.2) in her statement recorded on 04.05.2015, before the trial Court, stated that she was 17 years old, her date of birth being 06.03.1998. She intended to marry the petitioner after attaining the age of majority. A settlement has been arrived at between the parties. The settlement was arrived at out of her own free will and volition, without any kind of coercion, undue influence or pressure.

As per report dated 12.05.2015 submitted by the learned Additional District & Sessions Judge, Hoshiarpur, it is opined that the compromise arrived at between the parties is genuine and has been arrived at out of their own free will and volition. Photocopies of statements of the petitioner (Gaurab Singh), respondent No. 2 (Darshan Singh), alleged victim and of SI Surinder Singh have been appended along with the report.

As noted above, respondent No. 2 and his daughter present in Court today have affirmed the facts as mentioned above. Respondent No. 2-Darshan Singh has verified that his daughter and the petitioner have thereafter got married and he has no objection, what so ever, to the quashing of the above mentioned FIR, which was registered under a misconception.

Learned counsel for the State, on instructions from ASI Chanchal Singh, submits that in view of the peculiar circumstances of the case, where the victim is now a major and has got married with the petitioner, there can possibly be no objection to the quashing of this FIR.

There is no dispute that in this case the petitioner and the alleged victim have since got married. The alleged victim has clearly stated that she

was not enticed away or allured by the petitioner. Additionally the parties are living together in peace and harmony. Present is a fit case for exercise of jurisdiction under Section 482 Cr.P.C to quash the above said FIR to ensure complete justice between the parties.

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”.

In view of the peculiar 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 continuing the present proceedings. Continuance of these proceedings will not be in the interest of maintaining peaceful and harmonious relations amongst the parties. It will further lead to wastage of the precious time of the court and would be an exercise in futility.

This petition is, thus, allowed and FIR No.164 dated 24.11.2014, registered under Sections 363 and 366-A IPC at Police Station Sadar Hoshiarpur alongwith all consequential proceedings are hereby quashed.

(LISA GILL)
JUDGE

16.02.2017
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Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.