

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

Criminal Misc. No. M- 40569 of 2015(O&M)

Date of Decision: September 29 , 2017.

Kulwinder Singh and another PETITIONER(s)

Versus

State of Punjab and others RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. K.S.Sidhu, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Ms. Ruchi Sekhri, Advocate
for respondents No.2 and 3.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.66 dated 09.11.2015 under Sections 376/506/34 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Balianwali, District Bathinda and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that petitioner No.1 and respondent No.3 had a strong affection for each and wished to get married. The abovesaid FIR was registered due to certain misunderstandings between the parties. However, all such misunderstandings have since been removed. Petitioner No.1 and respondent No.3, it is stated, are living together after solemnization of marriage on 11.11.2015 itself i.e., a day after the registration of the FIR. Respondent No.3 is

now major, her date of birth being 17.06.1998.

It is further submitted that no offence punishable under Section 376 IPC is made out against the petitioners as petitioner No.1 and respondent No.3 solemnized marriage on 11.11.2015. They are living together in their matrimonial home in peace and harmony. Therefore, in this situation, the judgment of Hon'ble Supreme Court in **State of M.P. v. Madanlal, 2015(3) SCC (Crl.) 287** is not applicable.

This Court on 01.12.2015 directed the parties to appear before learned Illaqa Magistrate for recording their statements in respect to the above-mentioned compromise. Learned Illaqa Magistrate was directed to submit a report regarding the genuineness of the compromise.

Pursuant to order dated 01.12.2015, the parties appeared before the learned Judicial Magistrate First Class, Phul and their statements were recorded on 11.01.2016. Separate statements of respondents No.2 (mother of respondent No.3) and No.3 (alleged victim/complainant) were recorded. Both of them stated that the matter has been amicably resolved between the parties. No dispute remains between them. The settlement, it is stated, has been arrived at out of their free will, without any pressure or coercion and they have no objection in case the abovesaid FIR is quashed against the accused petitioners. Statements of the petitioners in respect to the settlement were recorded as well.

As per report dated 20.01.2016 received from the learned Judicial Magistrate First Class, Phul, it is opined that the settlement between the parties is genuine, arrived at out of their own free will. Statements of the parties are 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 reiterated that respondents No.2 and 3 have no objection to the quashing of the abovementioned FIR against all the petitioners. Respondent No.3 is stated to be residing with her husband i.e., petitioner No.1 in peace and harmony.

Learned counsel for the State has no serious 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.

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 to be noted that in the present case the petitioner and respondent No.3 solemnized marriage on 11.11.2015. They are reported to be living together in peace and harmony. The abovesaid FIR was registered on 09.11.2015. Petitioner No.1 and respondent No.3 got married on 11.11.2015 and have been living together as husband and wife since then. Respondent No.3 is now major. In order to render complete justice to the parties and enable them to live peacefully in future, it is considered just and expedient to quash the abovesaid FIR. Furthermore, no useful purpose would be served by continuance of the present proceedings. It will merely be an exercise in futility.

This petition is, thus, allowed and FIR No. 66 dated 09.11.2015 under Sections 376/506/34 IPC and Section 4 of the Protection of Children from

Sexual Offences Act, 2012 alongwith all consequential proceedings are, hereby,
quashed.

September 29 , 2017.
'om'

(LISA GILL)
JUDGE

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