

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

CRM-M-4151 of 2017 (O&M)

Date of Decision:15.11.2017

Ravinder Singh @ Ravinder Kumar

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Gaurav Rana, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Kanan Malik, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No.242 dated 12.09.2008, under Sections 363, 366 and 120-B IPC, registered at Police Station Focal Point, Ludhiana, along with all other consequential proceedings arising therefrom.

It is submitted that the petitioner has solemnized marriage with complainant/respondent No.2's daughter on 19.12.2010. At that time the complainant's daughter was a minor. The petitioner and complainant's daughter have since been residing together happily as husband and wife at Surat. There is a five years old daughter born out of this wedlock. The petitioner and his wife were not even aware of the pendency of the abovesaid FIR. The complainant's daughter in her statement recorded under Section 164 Cr.P.C. stated that she left her maternal grandmother's home to solemnize marriage with the petitioner. She did not inform her

parents. The alleged victim as of today is major, her date of birth being 27.07.1992. The petitioner and his wife have been visiting respondent No.2 every year. However, when they came for 'Chhath Puja' in 2016, the petitioner was arrested. The petitioner was granted regular bail by the learned Additional Sessions Judge, Ludhiana vide order dated 03.12.2016 (Annexure P3). In this view of the matter, it is contended that no offence punishable under Sections 363/366/120B IPC is made out. Furthermore, respondent No.2 does not have any objection to the marriage between the petitioner and respondent No.2's daughter and he does not wish to continue with the proceedings against the petitioner.

This Court on 27.03.2017 directed the parties to appear before the learned trial court for recording of their statements 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. Learned trial court was also directed to intimate whether any of the petitioners are absconding/proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 27.03.2017, the parties appeared before the learned Chief Judicial Magistrate, Ludhiana and their statements were recorded on 06.04.2017. Respondent No.2 specifically stated that he is reconciled to the marriage of his daughter with the petitioner and does not wish to continue with the proceedings against the petitioner. Respondent No.2 further states

that the matter has been amicably resolved between the parties with his free consent, without any pressure, threat and coercion. Respondent no.2 further states that he has no objection to the quashing of the aforementioned FIR and all other consequential proceedings against the petitioner. Statement of the daughter of the complainant was also recorded to the effect that compromise has been effected between her father and the petitioner. It is stated that she married the petitioner out of her own free will and out of this wedlock, a daughter was born. She categorically stated that she has no objection in case the above said FIR against the petitioner is quashed.

As per report dated 10.05.2017, received from the learned Chief Judicial Magistrate, Ludhiana, it is opined that the settlement between the parties is genuine and arrived at out of the free will of the parties. The petitioner, it is noted was earlier declared a proclaimed offender, but was arrested on 04.11.2016 and thereafter granted regular bail.

Learned counsel for respondent No.2 affirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has no objection to the quashing of the above-mentioned FIR against the petitioner.

Learned counsel for the State, on instructions from ASI Surjit Singh, states that there is no objection to the quashing of this FIR on the basis of settlement arrived at between the parties. It is verified that the petitioner and the complainant's daughter were married and a daughter was born out of this wedlock.

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 above-said 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. 242 dated 12.09.2008, under Sections 363, 366 and 120-B IPC, registered at Police Station Focal Point, Ludhiana along with all consequential proceedings are, hereby, quashed.

15.11.2017
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.