

CRM -M-43224 of 2014 (O&M)

In the High Court of Punjab and Haryana at Chandigarh

CRM -M-43224 of 2014(O&M)

Date of Decision: 27.3.2017

Maninder Singh

---Petitioner

versus

UT of Chandigarh and others

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. HPS Ishar, Advocate
for the petitioner**

Mr. A.S.Sullar, Addl. PP for UT Chandigarh

**Mr. Pawan Kumar Sharma, Advocate
for respondent Nos.2 and 3**

Rekha Mittal, J.

The petitioner has prayed for quashing of FIR No. 724 dated 30.12.2013 for offence punishable under Sections 363, 366 of the Indian Penal Code (in short "IPC") registered at Police Station, Manimajra (UT Chandigarh) on the basis of compromise.

In the instant case, the FIR was registered on the statement of

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respondent No.2-complainant Hargopal Sharma. Now the matter has been amicably settled between the parties.

Respondent No.2-complainant and No.3-victim of the crime are present in Court with counsel. Affidavits filed by them are taken on record. Their statements were recorded. A relevant extract therefrom is quoted thus:-

Statement of Hargopal, respondent No. 2.

“FIR No. 724 dated 30.12.2013 for offence under Sections 363, 366 of the Indian Penal Code was registered at my instance in Police Station, Manimajra (UT Chandigarh) with regard to kidnapping of my daughter Neha Sharma. My daughter performed marriage with Maninder Singh and she is living happily in her matrimonial home. I have got no objection if the aforesaid FIR and proceedings emanating therefrom are ordered to be quashed. I have filed my affidavit today in the court which may be read as a part of my statement.”

Statement of Neha, respondent No. 3

“I was born on 18.7.1996. I performed marriage with Maninder Singh on 1.1.2013. At present, I am living a happy married life

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with my husband Maninder Singh. I have filed my affidavit today in the court which may be read as a part of my statement. I have got no objection if FIR No. 724 dated 30.12.2013 lodged by my father under Sections 363, 366 of the Indian Penal Code and proceedings emanating therefrom are ordered to be quashed.”

Counsel for the petitioner submits that as the parties have amicably settled their differences, no useful purpose would be served by continuation of the criminal proceedings.

Counsel for the State and counsel for respondent No. 2 have not disputed contention of the petitioner that the parties have arrived at an amicable settlement.

I have heard counsel for the parties and perused the records.

There is nothing on record to doubt correctness of the compromise effected between the parties, whereby they have decided to settle their dispute with an intention to live in peace and harmony. The present case falls in the category of cases, which can be allowed to be settled by way of compromise, in view of the decision of Hon'ble the Supreme Court of India in ***Gian Singh v. State of Punjab and another***,

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2012(4) R.C.R. (Criminal) 543. This apart as the alleged kidnapped girl has performed marriage with the petitioner, both of them are living happily as husband and wife and father of the girl has reconciled with the same, continuation of criminal proceedings in the circumstance may disturb matrimony of the victim leading to further misery to her. Under the circumstance, it is expedient in the interest of justice that the criminal proceedings are put to an end.

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 724 dated 30.12.2013 for offence punishable under Sections 363, 366 IPC registered at Police Station, Manimajra (UT Chandigarh) and proceedings emanating therefrom are ordered to be quashed.

(Rekha Mittal)
Judge

27.3.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No