

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

**Criminal Misc. No. M-19131-2016
Date of Decision: May 01, 2018.**

MANGA SINGH

..... PETITIONER

Versus

STATE OF PUNJAB AND ANR.

..... RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. R.P. Chauhan, Advocate,
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. Sandeep Malik, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.28 dated 24.04.2015 registered under Sections 363, 366-A (Section 376 added later on) of the Indian Penal Code ('IPC' for short) at Police Station Malaut, Tehsil and District Sri Muktsar Sahib and all other consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

It is submitted that no offence punishable under Sections 363, 366-A and 376 IPC is made out against the petitioner, as the petitioner and daughter of respondent No. 2 solemnized marriage on 07.04.2015. The couple has been blessed with a child. The complainant was earlier not in favour of this alliance but now she too has reconciled and has accepted this marriage.

Learned counsel for respondent No.2 affirms and verifies the factual position as above and submits that respondent No. 2 does not wish to continue with the aforementioned proceedings and has no objection to the quashing of the abovementioned FIR against the petitioner.

Pursuant to order dated 01.02.2018, the parties appeared before the learned Judge Special Court, Sri Muktsar Sahib and their statements were recorded on 27.02.2018. Respondent No.2-complainant stated that she has amicably resolved the dispute with the petitioner out of her own free will without any pressure, undue influence, coercion, inducement or threat. Respondent No.2 further stated that she has no objection in case the abovesaid FIR against the accused petitioner is quashed. Statement of the alleged victim i.e. daughter of the complainant was recorded as well. The complainant's daughter (victim) stated that she solemnized marriage with the petitioner out of her own free will and they have been blessed with a son who is now about 1 ½ years old. It is stated that her mother had termed her as a victim in this case. She has no objection in case the abovesaid FIR against the accused/petitioner is quashed. Statement of the petitioner in respect to the settlement was recorded as well.

As per report dated 16.04.2018 received from the learned Judge Special Court, Sri Muktsar Sahib, satisfaction is expressed that the compromise between the parties is genuine and is a result of free will and volition of the parties without any pressure. Petitioner is not reported to be a proclaimed offender. Statements of the parties are appended alongwith the said report.

Learned counsel for the State, on instructions from HC Jasmeet Singh verifies that the petitioner and the complainant's daughter are living together in the matrimonial home after solemnization of marriage and they have

been blessed with a child.

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”.

Though this Court would normally be hesitant to quash an FIR under Sections 363, 366-A and 376 IPC on the basis of compromise, it is noticed that there is no dispute that the petitioner and the complainant's daughter solemnized marriage prior to the registration of the abovesaid FIR. They have thereafter been blessed with a son who is about one and a half years old. It is further not denied that all three of them are living together in the matrimonial home in peace and harmony. The complainant i.e. the mother of the alleged victim has also accepted this matrimonial alliance. In case proceedings are allowed to continue, it would amount to denial of complete justice to the parties who have buried the hatchet in order to maintain peace and harmony.

Keeping in view the peculiar facts and circumstances of the case, it is considered just and expedient to allow this petition without delving on the issue of maintainability of a petition for quashing of an FIR for offences punishable under Sections 363, 366-A and 376 IPC on the basis of a compromise.

This petition is, thus, allowed and FIR No.28 dated 24.04.2015 registered under Sections 363, 366-A, 376 IPC at Police Station Malaut, Tehsil

and District Sri Muktsar Sahib alongwith all consequential proceedings are,
hereby, quashed.

May 01, 2018
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(LISA GILL)
JUDGE

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