

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

**CRM-M-19191-2017
Decided on: 29.08.2018**

Sukhjinder Singh

.... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Petitioner in person, with
Mr. Damandeep Singh, Advocate.

Ms. Samina Dhir, DAG, Punjab.

Respondent No.2 in person.

H.S. MADAAN, J (ORAL)

Petitioner – Sukhjinder Singh has brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 171 dated 23.12.2016, for offences under Sections 363, 366-A and 376 of IPC and Section 4-A of the Protection of Children from Sexual Offence Act, 2012, registered at Police Station Kharar, District SAS Nagar, against him, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between him and complainants Simranjeet Kaur, Karamjit Kaur and Lal Singh - arrayed as respondents No.2 to 4.

When the petition came up for hearing on 19.09.2017, notice of motion was ordered to be issued.

Though the complainant Lal Singh had lodged an FIR in the matter alleging that Sukhjinder Singh had kidnapped his minor daughter Simranjeet Kaur, however, now he and his wife Karamjit Kaur have furnished affidavits that the matter has been amicably settled between the

parties and they have no objection if the FIR in question is quashed since they are happy with the marriage of their daughter Simranjeet Kaur with petitioner Sukhjinder Singh. Simranjeet Kaur while getting her statement recorded during the trial had stated that accused Sukhjinder Singh is her husband and her parents had lodged false FIR against Sukhjinder Singh since they were not happy with their marriage. In her statement recorded under Section 164 Cr.P.C. also, she had stated that she had gone with Sukhjinder Singh of her own and performed marriage with him. Though, such acts of petitioner cannot be approved but the fact remains that he and Simranjeet Kaur have got married and they want to lead happy married life. The parents of Simranjeet Kaur have also reconciled to the marriage.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

The dispute between the parties has been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or coercion and in terms of ratio of the authority reported as **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, where in para 28, it has been held 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 Cr.P.C. 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 has been observed that High Court has power to quash prosecution in order to achieve ends of justice and to prevent abuse of process of law. Though such powers are unlimited but those are to be exercised sparingly and with utmost care and caution. Though there is no statutory bar which can effect the inherent power of High Court under Section 482 Cr.P.C.

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the FIR and ancillary proceedings exercising power under Section 482 Cr.P.C., it appears to be a fit case to exercise such powers.

Accordingly, the petition is allowed and the abovesaid FIR alongwith ancillary proceedings is hereby quashed.

(H.S. MADAAN)
JUDGE

29.08.2018

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No