

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 41574 of 2017 (O&M)

Date of decision : 9.8.2018

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Goldy and others

.....Petitioner

vs.

State of Punjab and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. M.S. Basra, Advocate for the petitioners.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Mr. S.S. Dhaliwal, Advocate for respondents No. 2 and 3

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H. S. Madaan, J.

Petitioners – Goldy and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 65 dated 7.12.2015, for offences under Sections 363, 366-A, 120-B IPC and under Section 8 of POCSO Act, registered at Police Station Bhaini Mian Khan, District Gurdaspur, against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Kashmiro and another - arrayed as respondents No.2 and 3.

When the petition came up for hearing on 6.11.2017, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, whereas respondents No.2 and 3 through Mr. S.S. Dhaliwal, Advocate, had put in appearance. Then in light of the contention that parties have since effected compromise, they were directed to put in appearance before the trial Court to get their statements recorded with regard to compromise and the trial Court was directed to send a report to this Court.

Report has been received from Additional District and Sessions Judge, Gurdaspur, in terms of which complainant Kashmiro and Reeta Kumar and accused, namely, Goldy, Rajan and Sunita, had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, with free will, without any pressure, coercion or undue influence. Further complainant have stated that they have no objection if the FIR in question is quashed by this Court. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. It has been reported that no accused has been declared proclaimed offender in the FIR in question. Alongwith the report statement of the complainant party and all the accused, in original, have been annexed.

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

It was a case of run away couple. At that time, girl – Reeta Kumar was a minor, aged less than 18 years. She had got married

with Goldy. The couple is residing together happily and even blessed with a child. Her mother Kashmiro, who had lodged the FIR had also accepted the marriage.

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 are hereby quashed.

9.8.2018
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(H.S. Madaan)
Judge

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