

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

CRM-M-620 of 2018 (O&M)

Date of Decision:30.04.2018

Raj Kumar and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Amit Arora, Advocate
the petitioners.

Mr.D.S.Sukarcharkia, DAG., Punjab.

Mr. P.S.Kanwar, Advocate
for respondent no.2 and 3.

LISA GILL, J(Oral).

Prayer in this petition is for quashing of FIR No. 41 dated 05.03.2016, under Sections 363-A, 366, 120-B IPC, registered at Police Station City Tarn Taran, along with all other consequential proceedings arising therefrom on the basis of a compromise (Annexure P-2) arrived at between the parties.

It is submitted that no offence punishable under Sections 363-A, 366, 120-B IPC, is made out against the petitioners as petitioner no.1 and respondent no.3 solemnized marriage. They have since been blessed with a son. All of them are living together in peace and harmony in the matrimonial home. Furthermore, respondent no.2, the complainant i.e. the mother of respondent no.3 (alleged victim) has also accepted this marriage and she does not wish for any action to be taken against the petitioners on the basis of the aforementioned

FIR. It is thus prayed that this petition be allowed.

This Court on 11.01.2018 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 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 11.01.2018, the parties appeared before the learned Chief Judicial Magistrate, Tarn Taran, on 21.02.2018. Respondents No.2 and 3, in their separate statements specifically stated that the matter has been amicably resolved with all the accused-petitioners out of their own free will, without any threat or pressure and they have no objection in case the aforementioned FIR against the petitioners is quashed. Separate statements of all the petitioners in respect to the settlement were recorded.

As per report dated 22.02.2018, received from the learned Chief Judicial Magistrate, Tarn Taran, satisfaction is expressed that the compromise between the parties is genuine, voluntarily arrived at out of the free will of the parties, without any pressure or coercion.

Learned counsel for respondents No.2 and 3 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 petitioners.

Learned counsel for the State, on instructions from HC Charanjit Singh, verifies that petitioner no.1 and respondent no.3 are living together in the matrimonial home after solemnization of marriage. 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 be hesitant to quash an FIR under Sections 363-A, 366, 120-B IPC on the basis of a compromise, it is noticed that there is no dispute regarding petitioner no.1 and respondent no.2 solemnizing marriage, living together in the matrimonial home and being blessed with a child as well. The complainant has also accepted the said 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 and are living in peace and harmony.

Keeping in view the facts and circumstances of the case, it would be in the interest of justice to quash the aforementioned FIR.

This petition is, thus, allowed and FIR No. 41 dated

05.03.2016, under Sections 363-A, 366, 120-B IPC, registered at Police Station City Tarn Taran, along with all consequential proceedings are, hereby, quashed.

30.04.2018

s.khan

[LISA GILL]

Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.