

CRM-M-10746-2020

DECIDED ON: 1st October, 2020

SAHIB SINGH AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Varun Garg, Advocate for the petitioners.
Ms. Rashmi Attri, AAG, Punjab.
Mr. Dixit Raj Kapoor, Advocate for respondent No.2.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition under Section 482 of Cr.P.C for quashing FIR No. 27, dated 1st February, 2020 registered under Sections 376(2) (n), 406, 420, 109, 506 of the Indian Penal Code at Police Station Civil Lines Patiala, Patiala and all subsequent proceedings arising therefrom.

The quashing is sought on the basis of compromise.

Facts are that the accused and complainant were having love affair and developed physical relationship. Due to certain differences present FIR was registered. However, immediately the matter was resolved, they solemnized marriage on 14th February, 2020 and thereafter, compromise dated 24th February, 2020 was entered into between the parties. During the course of arguments, the Court has been informed that the couple has been blessed with a baby girl few days back.

This Court vide order dated 13th March, 2020 directed the parties to

appear before the trial Court/Illaq Magistrate to get their statements recorded.

The report has been received stating that the statements have been made that they have solemnized marriage and are living happily as husband and wife and they have stood by the compromise arrived at.

Learned State counsel submits that allegations in the FIR under Section 376 IPC and it is not a case for quashing.

No doubt the case under Section 376 IPC should not normally be quashed under Section 481 Cr.P.C.

In a judgment rendered by the Hon'ble Supreme Court in Narinder Singh and others vs. State of Punjab and another, 2014(6) SCC 466, the Hon'ble Apex Court has laid down certain principles and guidelines which should be kept in mind while quashing of FIRs pertaining to noncompoundable offence. For ready reference paragraphs No.29.2 and 29.5 are reproduced as under :-

“29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure : (i) ends of justice, or (ii) to prevent abuse of the process of any court. While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives. 29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case.”

Considering the facts that both the parties were major, having love affair and that the complainant was expecting at the time of registering FIR as she has delivered a baby girl few days back, to meet the ends of justice, moreso, when continuation of trial would not only affect the relations of the parties but would have bearing on the future

of the child. The FIR No. 27, dated 1st February, 2020 registered under Sections 376(2) (n), 406, 420, 109, 506 of the Indian Penal Code at Police Station Civil Lines Patiala, Patiala and subsequent proceedings arising therefrom is quashed.

In view of afore-said terms, the present petition is allowed.

(AVNEESH JHINGAN)
JUDGE

1st October, 2020
sham

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>