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

CRM-M No.33617 of 2020

Date of Decision: 21.12.2020

KHUSHDEEP SINGH @ BITTAPetitioner

Vs

STATE OF PUNJAB AND ANOTHERRespondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Jupinder Pal Singh Brar, Advocate
for the petitioner.

Mr. Bhupender Beniwal, Asstt., AG, Punjab.

Mr. Amandeep Chhabra, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

[1] The case has been taken up for hearing through video conferencing.

[2]. Prayer in this petition is for quashing of FIR No.164 dated 11.09.2020 registered under Sections 376(2)(N) IPC at Police Station Kotwali, District Bathinda along with all subsequent proceedings arising therefrom on the basis of compromise.

[3]. Even though the FIR was registered under Section 376(2)(N) IPC, but the petitioner has already married prosecutrix/complainant-respondent No.2 on 30.09.2020 and

now they are leading happy married life.

[4]. On 26.10.2020, following order was passed by the Co-ordinate Bench of this Court:-

“CRM-26051 of 2020

As prayed for, application is allowed.

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Learned counsel for the petitioner submits that the petitioner has already married prosecutrix-complainant i.e. respondent No.2, on 30.09.2020 and they are living happily after marriage and, therefore, FIR No.164 dated 11.09.2020 under Section 376(2) (n) and Section 506 of IPC registered at Police Station Kotwali, which has been registered against the petitioner on the complaint of respondent No.2 may kindly be quashed.

Notice of motion.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of respondent-State.

Mr. Amandeep Chhabra, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondent No.2-complainant and does not dispute the above stated factual aspect and also states that respondent No.2-complainant does not have any objection in case present FIR is quashed.

Though, prima facie, the allegations, which have been alleged by the complainant against the petitioner are serious in nature and non-compoundable. In the present case, not only the compromise has been effected but, both the accused and the prosecutrix have also married each other and are living happily and the said aspect cannot be ignored and rather, the pendency of the FIR can create mutual discord between the spouse after the marriage.

Before any action is taken on the prayer of the parties, the parties are directed to appear before the trial Court/Ilalaqa Magistrate for recording of their statement with regard to the compromise/settlement on 24.11.2020 by moving appropriate application or by presenting this order. The Trial Court/Ilalaqa Magistrate is directed to submit the report on or before the next date of hearing containing the following information:

- 1. Number of persons arrayed as accused in the FIR,*
- 2. Whether any accused is a proclaimed offender,*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence,*
- 4. Whether the accused persons are involved in any other FIR or not, and*
- 5. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR.*

The question of imposition of cost for wasting the valuable time of the police as well as the Court will be assessed and imposed at the time of the final hearing of the present petition in case, the FIR is to be quashed.

Adjourned to 21.12.2020.

October 26, 2020
aarti/naresh k.

(HARSIMRAN SINGH SETHI)
JUDGE"

[5]. In compliance of the aforesaid order, statements of the parties have been recorded by the Chief Judicial Magistrate, Bathinda on 24.11.2020. After recording the statements of the petitioner and respondent No.2, the Chief Judicial Magistrate, Bathinda has forwarded the following point wise report:-

- "1. In view of the statement of complainant as well as Investigating officer, present FIR was registered only*

against accused Khushdeep Singh.

2. *In view of the statement of Investigating Officer, accused is not proclaimed offender in this FIR.*
3. *In view of the statements of the parties, the statements of parties appears to be bonafide. The statements have been suffered by the parties out of their free will and same are not the result of any pressure, undue influence or coercion in any manner.*
4. *In view of the statement of accused Khushdeep Singh, he is not involved in any other FIR.*
5. *In view of the statement of Investigating Officer, there is no other victims/complainants except Pindu in the present FIR.”*

Photostat copies of statements of complainant as well as accused/petitioner and Investigating Officer ASI Sparan Singh, compromise Ex.CX, are enclosed herewith.

The report is submitted for his Lordships perusal, please.”

[6]. In view of report submitted by the Chief Judicial Magistrate, Bathinda, this Court is of the firm opinion that in view of compromise between the parties, there would be remote and negligible chances of the witnesses coming forward to depose in favour of the prosecution version. There would be remote chances of conviction, therefore, in order to put an end to the controversy for all times to come, exercise of inherent powers under Section 482 Cr.P.C would be in the interest of justice to facilitate both the parties to arrive at peaceful resolution of the dispute and also to maintain public tranquility in

the area. The offence is personal in nature and the same does not involve any mental depravity and also does not involve any offence under Prevention of Corruption Act. In such situation, exercise of inherent jurisdiction in terms of Section 482 Cr.P.C would be in consonance with the requirement of law to meet ends of justice and to prevent unnecessary continuation of criminal proceedings, which would ultimately result in vacuum. Powers under Section 482 Cr.P.C can be exercised in order to prevent unnecessary vagaries of criminal trial to be faced by the parties, when there are remote chances of conviction of the accused. The compromise in question is found to be in fully consonance with the direction issued by the Court in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052** and **Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Crl.) 543.**

[7]. Learned State counsel has objected to the aforesaid course, but in the interest of justice and also to prevent unnecessary continuation of criminal proceedings, I am of the view that inherent powers under Section 482 Cr.P.C can be exercised in order to achieve ends of justice.

[8]. Resultantly, FIR No.164 dated 11.09.2020 registered under Sections 376(2)(N) IPC at Police Station Kotwali, District

Bathinda as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[9]. Petition stands disposed of.

December 21,2020

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No