

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

**CRM-M No.36076 of 2019  
Date of Decision:05.02.2020**

Kuljot Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. Prabhjot S. Waraich, Advocate for  
Mr. Vivek Sharma, Advocate  
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. Arshdeep Singh, Advocate with  
Ms. Parmeshwar Kaur, complainant-in-person.

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**JAISHREE THAKUR, J. (ORAL)**

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.266 dated 01.08.2018 registered under Section 376 Indian Penal Code at Police Station Division No.5, Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 29.07.2019 (Annexure P-4 ).

2. In brief, the facts of the case are that an FIR came to be registered on 01.08.2018 under Sections 376 IPC at Police Station Division No.5, Ludhiana in which it was stated that the petitioner-Kuljot Singh @ Sonu pressurized the complainant to marry him but when she refused to do so, one day finding her alone in house, he made physical relation with her without her consent. Kuljot Singh on the pretext of marriage made physical relations with her many times but later on, he refused to marry her. On 28.07.2018, the complainant disclosed everything to her parents and

brothers. On the intervention of panchayat, Kuljot Singh @ Sonu and his family members agreed to solemnize marriage of Kuljot Singh with complainant on 01.08.2018 in Gurdwara Sahib. On the day of marriage, family of the complainant made all arrangements of marriage but they came to know from family members of Kuljot Singh that he had gone somewhere last night without telling anything. Kuljot Singh on the pretext of marrying her made physical relations with her but later on refused to do so and therefore, had committed fraud with her.

3. However, after lodging of the FIR, petitioner has solemnized marriage with the complainant on 31.10.2018 at Gurdwara Singh Sabha, Ludhiana and a compromise dated 29.07.2019 (Annexure P-4) has also been entered into whereby the complainant herein made a statement by way of affidavit that since the petitioner has solemnized marriage with her and they are living as husband and wife, she has no objection if the FIR lodged by her against the petitioner is quashed. Based on the said compromise, the instant quashing petition was filed.

4. By an order dated 30.08.2019, parties were directed to appear before the Illaqa Magistrate on 05.11.2019 so that their statement could be recorded regarding the genuineness of the compromise. The parties appeared before the Illaqa Magistrate wherein a statement of the complainant was recorded that she did not want to pursue the FIR.

5. In normal circumstances, the Court would not entertain a matter when the non compoundable offences are heinous in nature and against the public. In the instant case, the offence, complained of, is under Section 376 IPC, which is an offence of grave nature. In the eyes of law, the offence of

rape is serious and non-compoundable and the Courts should not in the ordinary circumstances interfere and quash the FIR that has been registered. However, there are always exceptions to the normal rules and certain categories of cases, which deserve consideration specially when it is case of love affair between teenagers and on fear of the society and pressure from the community one party alleges rape, cases where the accused and the victim are well known to each other and allegation of rape is levelled only because the accused refused to marry, as well as the age, educational maturity and the mental capacity, sequences of the same ought to be kept in mind when inclined to interfere.

6. In the instant case, a complaint came to be made in which it was stated that accused had on the pretext of marrying the complainant had committed rape and later on refused to marry her. However, later on, the accused, who is petitioner herein, has solemnized marriage with the respondent No.2-complainant and they are living now as husband and wife. Moreover, with the intervention of respectables, a compromise has also been entered into between them whereby it is decided by the complainant that the FIR would not be pursued.

7. 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 non-compoundable 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.”*

8. Even in a judgment rendered by the Hon'ble Supreme Court in **Madan Mohan Abbot vs State Of Punjab, 2008 (4) SCC 582**, it has been held that it is advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings. Relevant paragraph of the said judgment is reproduced herein below :-

*“5. It is on the basis of this compromise that the application was filed in the High Court for quashing of proceedings which has been dismissed by the impugned order. We notice from a reading of the FIR and the other documents on record that the dispute was purely a personal one between two contesting parties and that it arose out of extensive business dealings between them and that there was absolutely no public policy involved in the*

*nature of the allegations made against the accused. We are, therefore, of the opinion that no useful purpose would be served in continuing with the proceedings in the light of the compromise and also in the light of the fact that the complainant has, on 11th January 2004, passed away and the possibility of a conviction being recorded has thus to be ruled out. We need to emphasize that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law. We see from the impugned order that the learned Judge has confused a compounding of an offence with the quashing of proceedings. The outer limit of Rs.250/- which has led to the dismissal of the application is an irrelevant factor in the later case. We accordingly allow the appeal and in the peculiar facts of the case, direct that FIR No.155 dated 17th November 2001 P.S. Kotwali, Amritsar and all proceedings*

*connected therewith shall be deemed to be quashed.”*

9. Even in the judgment rendered in **Gian Singh vs State Of Punjab & Anr, reported as 2012(10) SCC 303** the basic principle of law as laid down is that where offences are purely private in nature and do not concern public policy, the power to quash proceedings involving non-compoundable offences on the basis of compromise can be exercised.

10. Therefore, while relying upon the ratios of the aforesaid judgments, this Court is of the view that the compromise which has been entered into for quashing of an offence under Section 376 IPC on the basis of the compromise should be accepted. The complainant in her statement before the Additional Sessions Judge, Ludhiana on 05.11.2019 stated that she has solemnized marriage with petitioner herein and she is residing with him as husband and wife at her matrimonial home. She does not want to proceed further with this case against the petitioner and she has no objection if FIR lodged by her against the petitioner is quashed by this Court.

11. Consequently, in view of the above, this petition is allowed and the FIR No.266 dated 01.08.2018 registered under Section 376 Indian Penal Code at Police Station Division No.5, Ludhiana and all subsequent proceedings arising out of the same qua petitioner are quashed.

**(JAISHREE THAKUR)**  
**JUDGE**

**February 05, 2020**

Pankaj\*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No