

CRM-M-8888-2020

Date of decision: 22.11.2021

RAVINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Dheeraj Mahajan, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Akashdeep Sethi, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No. 09 dated 31.01.2020 under Sections 363/366-A/376/506 IPC and Section 6 of POCSO Act, 2012, registered at Police Station Shahpur Kandi, District Pathankot and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-4).

Briefly, the FIR has been registered on the basis of the statement of respondent No.2 alleging that she was aged about 17 years and 11 months and a student of B.Com Ist year. About 02 years ago, she met petitioner in the marriage ceremony of her relative. The petitioner started talking sweetly with respondent No.2 and had been asking her to marry him. Respondent No.2 also started loving him. On 28.01.2020, the petitioner met her near the college and by putting her in allurements, respondent No.2 was taken to a hotel in Amritsar where they stayed for two days and forcible sexual intercourse was committed upon her. Thereafter, on 30.01.2020, the petitioner dropped respondent No.2 at the gate of her aunt's house.

It has been contended by learned counsel for the petitioner as well as

learned counsel for respondent No.2 that both the parties were in relationship and they had solemnized marriage on 19.02.2020 after respondent No.2 had attained the age of majority, as is apparent from the copy of marriage certificate (Annexure P-2). They have also filed a petition in this Court seeking protection to their lives and liberty and the same was disposed of with a direction to the Senior Superintendent of Police, District Gurdaspur to look into their representation and grant them protection if there was any threat to their life and liberty. A compromise has been effected between the parties. Respondent No.2 has attained the age of majority, they have solemnized marriage and are residing together. Respondent No.2 has no objection if the FIR is quashed.

In terms of order dated 06.10.2021, the parties were directed to appear before the learned trial Court/Illaq Magistrate for recording the statements and the concerned Court was directed to send the report with regard to genuineness of compromise and also to intimate whether any PO proceedings have pending against any of the parties.

The Chief Judicial Magistrate, Pathankot has recorded the statements of both the parties and send the following report:-

“In compliance thereof, complainant Chetna Devi has suffered statement that, the matter has been compromised between her and accused Ravinder Singh son of Gurbachan Singh resident of Village Qadianwali, P.O., Dorangla, District Gurdaspur. Said compromise is arrived between them due to intervention of respectables, in order to maintain good future relation and harmony between them. Said compromise is voluntarily, without any force and pressure by the accused party. They are residing together as husband and wife. She is only complainant in this case and she does not want to proceed against the accused in the FIR No.9 dated

31.01.2020, under Sections 363/366-A/376/506 IPC and 6 of POCSO Act, 2012 registered at police station Shahpurkandi. No P.O. proceedings are pending against her in any Court of law. She has no objection if the FIR against the accused is quashed.

Accused Ravinder Singh has suffered statement that, he has compromised the matter in the FIR No.9 dated 31.01.2020 under Sections 363/366-A/376/506 IPC and 6 of POCSO Act, 2012 registered at police station Shahpurkandi, Pathankot with complainant Chetna Devi daughter of Kuldeep Singh now wife of Ravinder Singh resident of Qadianwli, P.O. Dorangla, District Gurdaspur with the intervention of respectables, in order to maintain good future relation and harmony between them. They both are residing together as husband and wife. There is no P.O. proceedings pending against him in any Court of law. It is prayed that, FIR alongwith subsequent proceedings arising therefrom may kindly be quashed against him.

Keeping in view all aspects and statements of complainant and accused, this Court is of the considered view that statements of appearing parties are not the result of any pressure or coercion or undue influence and their compromise is voluntary and without any threat or force and as per statement, complainant Chetna Devi and accused Ravinder Singh are presently residing together as husband and wife after solemnization of their marriage. As per record, no P.O. proceedings are pending against any of the party”.

Learned counsel for the parties are *ad idem* that as an amicable

marriage, they have no objection if the FIR and subsequent proceedings are quashed.

Learned counsel for the petitioner has also sought to place reliance upon *Criminal Appeal Nos. 394-395 of 2021* titled '*Anand D.V Versus State and another*' wherein the proceedings were quashed after the parties eventually got married subsequent to the registration of the FIR. Reliance has also been placed upon *2018(2) Crimes 438* titled '*Lovely Versus State of Punjab*' wherein the proceedings were quashed after the parties have solemnized marriage and were happily residing as husband and wife.

The inherent power vested in this Court under Section 482 of the Code of Criminal Procedure is not to be invoked as a matter of routine but to prevent the abuse of power of Court and to secure ends of justice. This section gives the power to this Court to entertain applications which are not contemplated in the Code of Criminal Procedure, in the event, it is felt that the ends of justice will require that the Court can invoke the extraordinary powers which are to be exercised with restraint and not lightly. In the event, the Court is satisfied that in order to secure the ends of justice, it should interfere under its inherent powers, it ought to do so.

It may be mentioned here that in the normal course of events, this Court may not have been inclined to quash the FIR in case of a non-compoundable offence involving the crime which is heinous and serious in nature. However, in the case in hand, respondent No.2 after having attained the age of majority has solemnized the marriage with the petitioner and are stated to be residing happily with each other.

In such circumstances, the possibility of conviction also become remote and bleak and continuation of criminal case will cause injustice not only to

the petitioner.

In such circumstances, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice in the light of amicable settlement having been effected between the parties. Although the FIR was registered at the first instance but the petitioner and respondent No.2 were in relationship and it has materialized into marriage after respondent No.2 had attained the requisite age for valid marriage. In such a situation, continuation of the prosecution would result in sheer abuse of process of law. In the event, the FIR is quashed, it will be for the welfare of the parties and would also tend to strengthen the healthy matrimonial relationship between the petitioner and respondent No.2 as husband and wife.

For the aforesaid view, this Court finds support from **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, upheld by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303** and **Narinder Singh and others Vs. State of Punjab and another 2014(6)SCC 466**.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No. 09 dated 31.01.2020 under Sections 363/366-A/376/506 IPC and Section 6 of POCSO Act, 2012, registered at Police Station Shahpur Kandi, District Pathankot and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

22.11.2021
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(VIVEK PURI)
JUDGE

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