

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

218

CRM-M-37113 of 2021
Date of decision:09.11.2021

Abhishek Kumar alias Abhi alias Goverdhan ... Petitioner

Vs.

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Vibhu Walia, Advocate
for respondents No.2 and 3.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.0087 dated 04.07.2020 (Annexure P-2) registered under Sections 363, 366-A of Indian Penal Code, 1860 (for short "IPC") at Police Station Sadar Ludhiana, District Police Commissionerate Ludhiana, alongwith all consequential proceedings arising therefrom, on the basis of compromise dated 31.08.2021 (Annexure P-1) arrived at between the parties.

Counsel for the petitioner submits that though FIR has been registered under Sections 363, 366-A, IPC on the complaint of respondent

No.2, who is the father of the victim but he has invited the attention of this Court to the statement of the victim recorded before the JMIC, Ludhiana, wherein, she categorically stated that on 29.06.2020, she went with the petitioner to Delhi of her own volition and after staying there for 3-4 days, she came back to Ludhiana to her parents. The statement is reproduced as under:-

“ Statement of _____ D/o Sh. ____ (name withheld), 17 years, R/o near Bath Castle Palace, Latton Kalan, Ludhiana.

Q.1 What do you have to say?

Ans.1 On 29th June, 2020, I went with my own free will and desere (sic. desire) with Abhishek Vereud (sic. Verma). We both went to Delhi. We stayed in Delhi for 3-4 days with some relatives of Abhishek. Then we came back to Ludhiana and I went home back to my parents.

Q.2 Do you want to say anything else?

Ans. No.

RO&AC

*Ankita Loomba
JMIC /Ldh.
23.7.2020.”*

Counsel urges that it is, therefore, apparent that offence under Section 366-A IPC, is not made out. He submits that in any case, the dispute between the parties has been settled and a panchayati compromise dated 31.08.2021 (Annexure P-2) has been entered into, wherein, it has been *inter alia* agreed as under:-

“2. That Abhishek Kumar of second party has not done

anything wrong with Komal Sharma and he did not do any forceful act with her. At this time both Komal and Abhishek are not of marriage age, therefore, both the parties and respectables of society has done the engagement of Abhishek and Komal Sharma and has decided that their marriage would be perform(ed) on attaining the marriageable age and both the parties with their wishes and consent and without any pressure have decided to perform the marriage of Abhishek and Komal Sharma.”

Still further, he submits that pursuant to order passed by this Court, the parties have appeared before the trial Court and their statements have been recorded in support of the compromise.

Heard.

Vide order dated 09.09.2021, this Court directed the trial Court/Illaq Magistrate to submit a report on the compromise after getting the statement of the parties recorded. Report has been received and its relevant extract is reproduced hereunder:-

“In their separate statements, both the parties admitted the genuineness of the compromise arising between them. So, from the statements of the parties, it appears to the Court that the parties have been compromised the matter out of their free will, voluntarily, without any sort of pressure, coercion and fear.

As per statement of the parties as well as statement of the Investigating Officer, no PO proceedings are pending against any of the party.”

Supreme Court in ***Gian Singh Versus State of Punjab and another***, 2012(4) RCR (Criminal) 543 has held that the High Court has wide power under Section 482 of the Code of Criminal Procedure to quash an FIR or complaint having predominantly civil flavour or involving matrimonial offences and family disputes wherein the wrong is basically private or personal in nature and the parties have resolved their entire dispute. A Full Bench of this Court in case ***Kulwinder Singh vs. State of Punjab and another***, 2007(3) RCR (Criminal) 1052 and Division Bench of this Court in case ***Sube Singh and another vs. State of Haryana and another***, 2013(4) RCR (Criminal) 102 has held that compounding of offence can be allowed even after conviction, during pendency of the appeal and even in cases involving non-compoundable offences.

Counsel for the parties are also *ad idem* that in view of the settlement of the dispute between the parties, the present petition deserves to be accepted. In view of the above, no purpose will be served in continuing with the criminal proceedings.

Accordingly, the petition is allowed. FIR No.0087 dated 04.07.2020 (Annexure P-2) registered under Sections 363, 366-A of Indian Penal Code, 1860 (for short “IPC”) at Police Station Sadar Ludhiana, District Police Commissionerate Ludhiana, on the basis of compromise

dated 31.08.2021 (Annexure P-1) arrived at between the parties and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

November 09, 2021

savita

(SUVIR SEHGAL)

JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes