

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

**CRM-M-34163 of 2020
DATE OF DECISION :- April 09, 2021**

Anmol Alreja

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Himanshu Bajaj, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana

Mr. Deepak Kundu, Advocate for the complainant.

The case has been taken up through Video Conferencing.

This petition under Section 482 Cr.P.C. has been filed by petitioner accused Anmol Alreja, an accused in FIR No. 0250 dated 11.9.2020 for offence under Section 376(2)(n) IPC, registered at Police Station DLF Phase III, District Gurugram for quashing of F.I.R along with consequential proceedings arising therefrom, on the basis of compromise.

Briefly stated the facts of the case as per prosecution story are that criminal machinery in this case was set into motion by the prosecutrix (name withheld to conceal her identity), who in the written complaint submitted by her to the police stated that she got involved in a love affair with petitioner accused Anmol Alreja, who promised to marry her and developed physical relations with her on that pretext. However, subsequently he backed out from his promise.

On the basis of that complaint formal F.I.R was registered. The investigation in the case was conducted. Petitioner accused had joined the investigation. During pendency of the investigation, the parties had entered into settlement, inasmuch as they had solemnized marriage on 23.9.2020. Thereafter, petitioner accused has knocked at the door of this Court by way of filing the instant petition seeking quashing of F.I.R and ancillary proceedings.

When the petition came up for hearing on 28.10.2020, notice of motion was ordered to be issued. Respondent No. 1 - State of Haryana through State counsel, whereas respondent No.2 through Mr. Deepak Kundu, Advocate had put in appearance. Then in light of the contention that parties have since effected compromise, they were directed to put in appearance before the Ilaka Magistrate/Duty Magistrate to get their statements recorded with regard to compromise and the Ilaka Magistrate/Duty Magistrate was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, Gurugram, in terms of which the complainant and accused, namely, Anmol Alreja had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, without any fear and inducement. Further, the complainant has stated that she has no objection if the FIR in question is quashed by this Court. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. Along with the report statement of the complainant and all the accused, have been annexed.

I have heard learned counsel for the parties besides going

through the record.

Learned counsel for the petitioner has referred to various judgments in support of his contentions wherein under similar circumstances quashing of the F.I.R had been allowed. Such judgments are 'CRM-M-45026 of 2017 titled Bhupinder Singh versus State of Punjab and another' decided on 12.1.2018; 'CRM-M-23695 of 2013 titled Shamsher Singh and others versus State of Punjab and another' decided on 4.8.2014; CRM-M-19820 of 2017 titled Mazhar Khan and another versus State of Punjab and another' decided on 10.1.2018 and CRM-M-46852 of 2017 titled Tajinder Singh versus U.T., Chandigarh and another' decided on 22.1.2018.

The dispute between the parties has been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or coercion and in terms of ratio of the authority reported as **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, where in para 28, it has been held as under :-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.”

It has been observed that High Court has power to quash prosecution in order to achieve ends of justice and to prevent abuse of process of law. Though such powers are unlimited but those are to be exercised sparingly and with utmost care and caution. Though there is no statutory bar which can effect the inherent power of High Court under

Section 482 Cr.P.C.

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the FIR and ancillary proceedings exercising power under Section 482 Cr.P.C., it appears to be a fit case to exercise such powers.

Accordingly, the petition is allowed and the above said FIR along with ancillary proceedings are hereby quashed.

(H.S. MADAAN)
JUDGE

April 09, 2021
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No