In the High Court for the States of Punjab and Haryana at Chandigarh

CRM-M-5820-2020
Date of Decision: May 25, 2022

Amit ... *Petitioner*

Versus

State of Haryana and another ... *Respondents*

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Bhupender Singh, Advocate,
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Narinder Singh Sindher, Advocate,
for respondent No. 2.

Vivek Puri, J.

The petitioner has approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure (for short `Code') invoking its inherent jurisdiction for quashing of FIR No. 56, dated 12.06.2018, under Sections 354-A, 506 of the Indian Penal Code and Section 8 of the Protection of Children From Sexual Offence Act, 2012, registered at Police Station Women Karnal and all the consequential proceedings arising therefrom, on the basis of compromise dated 23.01.2020 (Annexure P/4).

Briefly, the FIR has been registered on the basis of the statement of the respondent no.2 alleging that on

VIRENDER KUMAR
2022.05.25 16:45
I attest to the accuracy and
authenticity of this document

09.06.2018, she had gone to the house of her sister. The petitioner committed bad acts and outraged her modesty.

In terms of order dated 10.02.2020, the parties were directed to appear before the learned Illaqa Magistrate/trial Court for recording their respective statements with regard to the compromise/settlement.

Learned Additional Sessions Judge, Fast Track Special Court (POCSO), Karnal has sent the report and the relevant portion thereof is reproduced herein below:-

> *"(i) Number of persons arrayed as accused in FIR:-1.*
>
> *(ii) Whether any accused is proclaimed offender:-*
>
> *As per police report no PO proceedings are pending against either of the parties of this case.*
>
> *(iii) Status of the trial/proceedings:-*
>
> *In this case 8 out of total number of 14 prosecution witnesses have been examined. Now the case is at the stage of remaining prosecution evidence.*
>
> *(iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence:-*
>
> *As disclosed by parties to this officer, the compromise was being reached between them voluntarily and without any pressure or coercion."*

It has been contended by the learned counsel for the petitioner, as well as, learned counsel for respondent no.2 that the dispute has been amicably settled between

VIRENDER KUMAR
2022.05.25 16:45
I attest to the accuracy and
authenticity of this document

the parties in terms of the compromise dated 23.01.2020 (Annexure P/4). The petitioner and respondent no.2 have solemnized marriage with each other on 23.01.2020. The copy of the marriage certificate is Annexure P/2 and the photographs depicting the marriage are Annexure P/3. The date of birth of the respondent no.2 is 10.08.2000 as depicted in the Aadhar Card (Annexure P/6). The affidavit of respondent no.2 supporting the contention of the petitioner is Annexure P/5. The marriage has been solemnized after the respondent no.2 had attained the valid age for solemnizing the marriage. It has further been stated that the petitioner and respondent no.2 are happily residing in the matrimonial house and presently, the respondent no.2 has conceived and is in family way.

Learned counsel for the parties are *ad idem* that as an amicable settlement has been effected between the private parties and have solemnized marriage, they have no objection if the FIR and subsequent proceedings are quashed.

The inherent power vested in this Court under Section 482 of the Code is not to be invoked as a matter of routine but to prevent the abuse of process 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

VIRENDER KUMAR
2022.05.25 16:45
I attest to the accuracy and
authenticity of this document

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.

In the instant case, the respondent no.2 was aged about 17 years and 10 months at the time of occurrence. However, after attaining the age of majority, she has solemnized marriage with the petitioner and the couple is stated to be residing happily with each other. Furthermore, the respondent no.2 is stated to have conceived and is in family way.

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 but also to respondent No.2, who is now legally wedded wife of the petitioner.

As such, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 of the Code, so as to secure the ends of justice in the light of amicable settlement having been effected between the parties. 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

VIRENDER KUMAR
2022.05.25 16:45
I attest to the accuracy and
authenticity of this document

matrimonial relationship between the petitioner and respondent No.2 as husband and wife.

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. 56, dated 12.06.2018, under Sections 354-A, 506 of the Indian Penal Code and Section 8 of the Protection of Children From Sexual Offence Act, 2012, registered at Police Station Women Karnal and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

May 25, 2022 **[Vivek Puri]**
vkd **Judge**

Whether reasonable / speaking : Yes / No
Whether reportable : Yes / No

VIRENDER KUMAR
2022.05.25 16:45
I attest to the accuracy and
authenticity of this document