

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

CRM-M-6047-2020 (O&M)

Date of Decision: *November 23, 2022*

Inderjit @ Mani @ Dhania

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: **HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Kapil Khanna, Advocate,
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

Mr. Harleen Singh, Advocate,
for Mr.Sourav Singla, Advocate,
for respondents No. 2 and 3.

Vivek Puri, J.

CRM-36229-2022

This is an application for modification of the order dated 09.09.2022 alleging that due to mis-communication, learned counsel for the petitioner had submitted that two children have been born from the wedlock. In fact, the couple have been blessed with one child and copy of birth certificate is Annexure P-7.

Order dated 09.09.2022 as sought stands modified.

Applicant is disposed of accordingly.

CRM-36227-2022

This is an application for placing on record Annexures P/6 and P/7.

Annexures P/6 and P/7 are taken on record. Registry is directed to tag the same at the appropriate place.

Application stands disposed of.

CRM-M-6047-2020

The petitioner has approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure invoking its inherent jurisdiction for quashing of FIR No. 78, dated 12.05.2019, under Sections 363, 366-A of the Indian Penal Code (for short 'IPC'), registered at Police Station Shahkot, District Jalandhar and all the consequential proceedings arising therefrom, on the basis of compromise dated 30.01.2020.

Briefly, the FIR has been registered on the basis of the statement of the respondent no.2, who is grandfather of respondent no.3, alleging that the date of birth of respondent no.3 is 09.03.2001 and she was kidnapped by the petitioner.

It has been contended by the learned counsel for the petitioner that the dispute

between the parties has been amicably settled in terms of the compromise (Annexure P-2). After attaining the age of majority, the respondent no.3 has solemnized marriage with the petitioner on 19.12.2019. The couple has also been blessed with a female child on 15.04.2022. The copy of the birth certificate (Annexure P-7) indicates the name of the petitioner and respondent no.3 has been recorded as parents of the child. The respondent no.3 is happily residing with the minor daughter in her matrimonial house with the petitioner.

In terms of order dated 21.02.2020, the parties were directed to appear before the learned Illaqa Magistrate/Duty Magistrate for recording their statements and the concerned Court was directed to send the report with regard to genuineness of compromise and also to intimate whether any of the accused has been declared proclaimed offender in the case.

In compliance of the order dated 12.02.2020, both the private parties have appeared before the learned Judicial Magistrate First Class, Nakodar and got their statements recorded. The learned Judicial Magistrate First Class after recording the statements of the parties, has sent

the report dated 18.03.2020, the relevant para whereof reads as under:-

"In compliance of the said directions passed by the Hon'ble High Court, on 12.03.2020, Avtar Singh (complainant), Diksha (victim) and accused Inderjit @ Mani @ Dhania appeared before this Court and requested for making statements with regard to the compromise effected between them. Statements of both the parties were got recorded.

It is further submitted that investigating officer of this case namely ASI Balwinder Singh also appeared in the Court and suffered statement that he identifies complainant Avtar Singh, Victim Diksha and accused Inderjit Singh present in the Court. He further states that there is PO proceedings pending against accused Inderjit @ Mani @ Dhania. However, he has not been declared PO yet. Perusal of the file also reveals that proclamation warrants against accused are pending for 27.03.2020.

At present, as per the statements made by the above said accused namely Inderjit @ Mani @ Dhania and complainant Avtar Singh and victim Diksha, they have entered into compromise with each other. As per the statements so recorded by both sides, it can be deducted that the compromise

is genuine, voluntary, without any coercion and without any undue influence and the same has been effected with the free will and consent of the parties. They have been identified by their respective counels and their id proofs with photographs were taken on the file...”

Learned counsel for the parties are *ad idem* that as an amicable settlement has been effected between the private parties and petitioner and respondent no.3 have solemnized marriage and a female child has been born from the wedlock, it shall be appropriate to meet the ends of justice, 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 had 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.3 after having attained the age of majority has solemnized the marriage with the petitioner and are stated to be residing happily with minor daughter in her matrimonial house with the petitioner.

In such circumstances, the possibility of conviction also becomes remote and bleak and

continuation of criminal case will cause injustice not only to the petitioner but also to respondent No.3, 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 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 it has materialized into marriage. The respondent No.3 has 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.3 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. 78, dated 12.05.2019, under Sections 363, 366-A of the IPC, registered at Police Station Shahkot, District Jalandhar 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.

November 23, 2022

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[Vivek Puri]
Judge

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