

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

CRM-M-9543-2021

Date of Decision: June 02, 2022

Gurdeep Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Mikhail Kad, Advocate,
for the petitioner.

Ms. Ruchika Sabarwal, AAG, Punjab.

Mr. Ashdeep Singh, Advocate for
Mr. Neeraj Yadav, 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. 16, dated 28.01.2020, under Section 376 (2) (n) of the Indian Penal Code and Sections 4 and 6 of the Protection of Children From Sexual Offences Act, 2012, registered at Police Station City-1, Sangrur, District Sangrur and all the consequential proceedings arising therefrom, on

the basis of compromise entered between the parties dated 01.02.2020 (Annexure P-2).

Briefly, the FIR has been registered on the allegation that the petitioner and the respondent no.2 became acquainted with each other as they had been coming to Sangrur everyday. On 05.06.2019, the petitioner took the respondent no.2 to the house of the relative where no one was present and he made physical relations against her consent. The respondent no.2 became pregnant and gave birth to a male child.

In terms of order dated 01.03.2021, the parties were directed to appear before the learned Illaqa Magistrate for recording their respective statements with regard to the compromise.

Learned Chief Judicial Magistrate, Sangrur has sent its report and the relevant portion thereof is reproduced herein below:-

“Complainant has stated that she got registered F.I.R. No. 16 dated 28.01.2020, under Section 376(2)(n) IPC and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station City-1, Sangrur against accused Gurdeep Singh. She was born on 20.09.2001 and now she has attained the majority. She has compromised the matter voluntarily with accused Gurdeep Singh without any pressure or coercion or undue influence in the F.I.R. in question. She and Gurdeep Singh got marriage on

23.02.2020 and out of their wedlock, one male child, namely, Sohaan Fateh Singh was born. Now she is residing with accused Gurdeep Singh at his village Toorbanzara. So, she has no objection in quashing the FIR in question against accused Gurdeep Singh.

Accused Gurdeep Singh has also stated that he has compromised the matter voluntarily with complainant without any pressure, undue influence, threat or coercion. He and complainant got married on 23.02.2020 and out of their wedlock, one male child, namely, Sohaan Fateh Singh was born. Now complainant is residing with him at his village Toorbanzara. Except the present case, no other criminal or civil case is pending against him. He has further stated that he has neither been declared as proclaimed offender nor any proclamation proceeding is pending against him. He is on bail in the present case and challan has already been presented which is pending before the Court of Ms. Jaswinder Sheemar, learned Addl. Sessions Judge, Sangrur for 17.03.2021. F.I.R. may kindly be quashed against him.

It is submitted that the compromise as per statements of complainant and accused Gurdeep Singh has been arrived at voluntarily and without any pressure, coercion or undue influence between them.

It is further submitted that as per statement of accused Gurdeep Singh, except the present case, no other criminal or civil case is pending against him.

It is also urged that the challan in this case has already been presented in the Court of Ms. Jaswinder Sheemar, learned Addl. Sessions Judge, Sangrur. As per challan, same is presented only against accused Gurdeep Singh who is on bail in the present case. As per record, accused has neither been declared as proclaimed offender nor any proclamation proceeding is pending against him in the present case.”

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 the parties in terms of the compromise dated 01.02.2020. The petitioner and respondent no.2 have solemnized marriage with each other on 23.02.2020. Annexure P/3 is the copy of the certificate indicating that the marriage was solemnized on 23.02.2020. Although the date of birth of the respondent no.2 has been mentioned as 20.09.2001, but in the Aadhar Card (Annexure P/5), her year of birth has been specified as 2000. She also sworn affidavit (Annexure P/4) which indicate that she has solemnized marriage with the petitioner on 23.02.2020 as per sikh rites and ceremonies. It has also been mentioned that she is happily residing with the petitioner and is mother of a child.

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.

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 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 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, who has already attained the age of majority, has solemnized marriage with the petitioner and the couple is stated to be residing

happily with each other and a male child has also been born from the wedlock.

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 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. 16, dated 28.01.2020, under Section 376 (2) (n) of the Indian Penal Code and Sections 4 and 6 of the Protection of Children From Sexual Offences Act, 2012, registered at Police Station City-1, Sangrur, District Sangrur 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.

June 02, 2022
vkd

[Vivek Puri]
Judge

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