

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(126)

CRM-M-16002-2022

Date of Decision: 20.04.2022

Gurbhej Singh

--Petitioner

Versus

State of Punjab & others

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Bhavyadeep Walia, Advocate for the petitioner.

Mr. Rakeshinder Singh Sidhu, A.A.G., Punjab.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 482 Cr.P.C praying for quashing of FIR No.13 dated 25.3.2022 under Sections 363, 366-A IPC, registered at Police Station, Fatehgarh Panjtoor, District Moga and all the subsequent proceedings arising therefrom on the basis of the compromise (Annexure P-2).

As per facts of the case, present FIR was lodged by Malook Singh, who is father of the victim. The sum and substance of the allegations in the FIR is that the complainant was a labourer by profession and had four children. His youngest daughter i.e. the victim (name concealed) was 16 years of age and hence a minor. On 21.3.2022 at about 9.30/10 PM the family went to sleep after having meals. When he woke up at 12 AM, he found his daughter i.e. the victim not in her bed. They searched for her but failed to trace her out. On their inquiry they came to know that his daughter had been allured on the pretext of marriage by Gurbhej Singh (present petitioner) son of Kulwinder Singh. The FIR was lodged for taking legal action against the culprit.

After registration of FIR the investigation commenced.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present FIR. He submits that from the bare reading of the FIR it is apparent that there was no coercion alleged against the petitioner and he was only suspected for having enticed away the daughter of the complainant. He submits that due to the intervention of the respectables the matter has been amicably settled between the parties and hence the prosecution of the petitioner in the present FIR is nothing but an abuse of the process of law. Counsel has relied upon the judgements of *State of Haryana vs Bhajan Lal, 1992 Supp (1) SCC 335* and *Gian Singh vs State of Punjab and another (2012) 10 Supreme Court Cases 303* to submit that the FIR in question deserves to be quashed in view of the compromise arrived at between the parties.

I have heard learned counsel for the petitioner at length and have gone through the record carefully.

From the perusal of the allegations in the FIR it is apparent that victim in the present case is 16 years of age and is a minor. Learned State counsel has informed the Court that the case is under investigation and thus the charge sheet is yet to be filed.

The compromise arrived at between the parties on behalf of the minor would not be legally sustainable. The Hon'ble Supreme Court in cases of *Bhajan Lal* and *Gian Singh* (supra) has specifically laid down the guidelines for exercising the power under Section 482 Cr.P.C for quashing of the FIR on the basis of compromise arrived at. It has been specifically held that though the High Court has the power under Section 482 Cr.P.C for quashing of FIR even in the non-compoundable offences, however, the power should not be exercised in heinous offences. The present case falls in

the category of heinous offence.

Weighing the facts and circumstances of the case on the anvil of the law settled by Hon'ble Supreme Court, this Court finds no legal sanctity in the compromise arrived at between the parties. The case in hand does not qualify the parameters laid down by Hon'ble Supreme Court for exercising the power under Section 482 Cr.P.C.

The petition being devoid of any merit is, accordingly, dismissed. However, the parties are at liberty to avail the alternate remedies as available to them in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

20.04.2022

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