

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

CRM-M-23532-2022

Date of Decision: July 18, 2022*Narayan Singh**... Petitioner**Versus**State of Punjab and others**... Respondents***CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Rajan Singh Dadwal, Advocate,
for the petitioner.

Mr. Hittan Nehra, Addl.AG, Punjab.

Mr. Umesh K. Kanwar, Advocate,
for respondent Nos. 2 to 4.

Vivek Puri, J.

The petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No. 166, dated 10.08.2019, under Sections 363, 366-A of the Indian Penal Code (for short 'IPC'), registered at Police Station City Jagraon, District Ludhiana Rural and all the consequential proceedings arising therefrom, on the basis of compromise dated 21.05.2022 (Annexure P-8).

Briefly, the FIR has been registered on the basis of the statement of the respondent no.2 alleging that his daughter i.e. respondent no.4, aged about 17 years left for the school on 06.08.2019 and did not return back. He came to know that the petitioner has kidnapped respondent no.4 by alluring her for getting married.

It has been contended by the learned counsel for the petitioner, as well as, learned counsel for respondents no. 2 to 4 that both the parties i.e. petitioner and respondent no.4 have solemnized marriage on 15.10.2020 and the marriage certificate issued by Gurudawara Mastgarh Sahib is Annexure P-3. The date of birth of the respondent no.4 is stated to be 14.09.2002 and the same date has been recorded in the Aadhaar card (Annexure P-11). As such, the respondent no.4 has solemnized the marriage with the petitioner on attaining the age of majority.

In terms of order dated 27.05.2022, the parties were directed to appear before the learned trial Court/Illaq Magistrate for recording the 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.

Learned Additional Sessions Judge, Ludhiana has recorded the statements of the parties and the relevant portion thereof is reproduced as following:-

“In compliance of the order dated 27.05.2022 passed by Hon’ble High Court in the above mentioned CRM, the statement of complainant Vishnu Parshad as well as that of accused has been recorded regarding the compromise. In this FIR, there is only one accused namely Narayan Singh. No accused is proclaimed offender. From the statement of complainant, it transpires that compromise is genuine, voluntarily and without any coercion and without any undue influence. The accused is not involved in any other case and as per the statement of IO ASI Gurmeet Singh, No. 329/Ldh.R, there is only one victim and one complainant....”

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 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, it may not have been appropriate 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.4 after having attained

the age of majority has solemnized the marriage with the petitioner and are stated to be residing happily with each other.

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.4, who is now legally wedded wife of the petitioner. It is neither deemed appropriate nor proper to disturb the married life of the petitioner and respondent no.4 by allowing the proceedings to continue.

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 the petitioner and respondent No.4 were in relationship and it has materialized into marriage after respondent No.4 had 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.4 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. 166, dated 10.08.2019 under Sections 363, 366-A IPC, registered at Police Station City Jagraon, District Ludhiana Rural 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.

July 18, 2022
vkd

[Vivek Puri]
Judge

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