

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

CRM-M-30583-2022 (O&M)

Date of Decision: *November 22, 2022*

Bhim Sharma and another

... Petitioners

Versus

Union Territory, Chandigarh and another

... Respondents

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

Present: Mr. Kabir Vadhera, Advocate,
for the petitioners.

Mr. P.S.Paul, Addl. P.P. for U.T.,
Chandigarh.

Mr. Samar Ahluwalia, Advocate,
for respondent No. 2.

Vivek Puri, J.

The petitioners have 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. 0093, dated 25.05.2022, under Sections 313, 323, 328, 354-C, 376(2)(n), 506 of the Indian Penal Code (for short `IPC'), registered at Police Station Central Sector 17, Chandigarh and all the consequential proceedings arising therefrom, on the basis of compromise.

Briefly, the FIR has been registered on the basis of the statement of the respondent no.2 raising allegations of commission of forcible sexual intercourse on the false pretext of marriage.

It has been contended by the learned counsel for the petitioners that the dispute has been amicably settled between the parties in terms of compromise dated 04.08.2022 (Annexure P-3). After registration of the FIR, petitioner no.1 and respondent no.2 have solemnized marriage on 16.06.2022. Annexure P-2 is the copy of marriage certificate. The photographs depicting the marriage ceremonies have also been annexed with the present petition. Petitioner No.1 and respondent no.2 are happily residing together in the matrimonial house. It has been further stated that the matter is still pending before the Committing Court.

In terms of order dated 17.08.2022, 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 17.08.2022, both the private parties have appeared before the learned Chief Judicial Magistrate, Chandigarh and got their statements recorded. It may be mentioned here that in the report the name of the complainant has been mentioned, but the same is not being reproduced in the judgment and is being referred to as 'respondent no.2'. The learned Chief Judicial Magistrate after recording the statements of the parties, has sent the report dated 09.09.2022, the relevant para whereof reads as under:-

"3. In view of above statements, compromise as effected between the complainant, named above, and petitioners-accused, named above, appears to be genuine and effected without any fear, pressure or undue influence. Two persons namely Bhim Sharma and Brij Bala have been arrayed as accused in this case and they not been declared proclaimed offenders. Besides complainant respondent no.2, there is no other victim / complainant in this FIR...."

Learned counsel for the parties are *ad idem* that as an amicable settlement has been

effected between the private parties and petitioner no.1 and respondent no.2 have solemnized marriage, it shall be appropriate to meet the ends of justice, if the FIR and subsequent proceedings are quashed.

Learned counsel for the petitioners 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, petitioner no.1 and respondent no.2 are stated to be aged about 31 and 35 years, respectively and are stated to be residing happily with each other after solemnization of marriage.

In such circumstances, the possibility of conviction also becomes remote and bleak and continuation of criminal case will cause injustice not only to the petitioners but also to respondent No.2, who is now legally wedded wife of petitioner No.1.

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 No.1 and respondent No.2 were in relationship and it has materialized into marriage. The respondent No.2 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 No.1 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. 0093, dated 25.05.2022, under Sections 313, 323, 328, 354-C, 376(2)(n), 506 of the Indian Penal Code (for short 'IPC'), registered at Police Station Central Sector 17, Chandigarh and all the consequential proceedings

arising therefrom, are ordered to be quashed,
however, qua the petitioners only.

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

November 22, 2022
vkd

[Vivek Puri]
Judge

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