

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

CRM-M-39252-2022

Date of Decision: *November 23, 2022*

Sarbjit Singh @ Manga @ Sarbjot Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

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

Present: Mr. Sandeep Sharma, Advocate,
for the petitioner.

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

Mr. Abhinav Singh, Advocate,
for Mr. Nitin Narula, Advocate,
for respondents No. 2 and 3.

Vivek Puri, J.

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. 0022, dated 10.02.2019, under Sections 363, 366-A, 120-B of the Indian Penal Code (for short 'IPC') and Sections 6 and 8 of the Protection of Children From Sexual Offence Act, registered at Police Station Bhindi Saidan, District Amritsar Rural and all the consequential proceedings arising

therefrom, on the basis of compromise dated 04.04.2022.

Briefly, the FIR has been registered on the basis of the statement of the respondent no.2 alleging that the date of birth of respondent no.3 is 29.07.2003. The petitioner along with co-accused had kidnapped the respondent no.3 on the pretext of solemnising marriage.

It has been contended by the learned counsel for the petitioner that during the course of investigation, the co-accused, namely, Amandeep Singh and Paramjit Singh were found innocent and challan has been presented only against the petitioner. It has been further stated that in the statement recorded under Section 164 Cr.P.C., respondent no.3 has not attributed any allegation with regard to threat, pressure or allurement exercised upon her or sexual abuse by the petitioner. However, the dispute has been amicably settled. The respondent no.3 after attaining the age of majority has solemnized marriage with the petitioner on 17.09.2021 and Annexure P-4 is the marriage certificate. Petitioner and respondent no.3 are happily residing together in the matrimonial house.

The learned State counsel has also not disputed the fact that the offence under Sections 6 and 8 of the Protection of Children from Sexual Offences Act have been deleted and this aspect has been specifically mentioned in the reply.

In terms of order dated 01.09.2022, 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 01.09.2022, both the private parties have appeared before the learned Judicial Magistrate First Class, Ajnala and got their statements recorded. The learned Judicial Magistrate First Class after recording the statements of the parties, has sent the report dated 19.11.2022, the relevant para whereof reads as under:-

"From the statements of the parties, it clearly appears that the compromise inter-se the parties is genuine, voluntary and the same has been effected between the parties without

any pressure, coercion or undue influence.

From the information made available before this Court, by the means of the statement of the IO SI Mastan Singh, it is intimated that initially, 03 persons were arrayed as accused in the FIR and their names are Sarbjit Singh @ Manga @ Sarbjot Singh, Amandeep Singh and Paramjit Singh @ Tarsem Singh. In the investigation, Amandeep Singh s/o Desha Singh & Paramjit Singh @ Tarsem Singh s/o Dalbir Singh had been declared innocent by the DSP Headquarter, Amritsar, Rural. Any of the said accused were not declared proclaimed offender(s) and the same were also not reported to be involved in any other criminal case. Also, as per the statement of IO, one Amandeep Kaur w/o Sarbjit Singh @ Manga @ Sarbjot Singh was the only victim of the present FIR and except for her, there was no other victim. Also, Bachan Singh s/o Hukam Singh was the only complainant in the present FIR."

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, 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, 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 each other.

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. 0022, dated 10.02.2019, under Sections 363, 366-A, 120-B IPC and Sections 6 and 8 of the Protection of Children From Sexual Offence Act, registered at Police Station Bhindi Saidan, District Amritsar 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.

November 23, 2022
vkd

[Vivek Puri]
Judge

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