

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 47824 of 2021
Reserved on : 29.04.2022
Pronounced on : 05.07.2022

RubbinPetitioner

Vs.

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Mohd. Arshad, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
412	25.10.2021	Ferozepur Jhirka, Distt. Nuh	346 IPC

The petitioner, arraigned as accused in the above captioned FIR, has come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential .

2. Brief facts of the case are that respondent No.2 lodged the present FIR against the petitioner for confining his minor daughter –respondent No.3
3. During the pendency of the petition, the accused and the aggrieved person have compromised the matter, and respondent No.3 filed her affidavit (Annexure R-3/1) stating that she marry to petitioner on 23.10.2021 and they are living together from that date.
4. After that, the petitioner came up before this Court to quash the FIR, and in the quashing petition, impleading the aggrieved person as respondent.
5. On 21-01-2022, the aggrieved person Sima (R-3) stated that she had married the accused/petitioner Rubbin, and stated that there would be no objection if the court quashes this FIR and consequent proceedings. As per the concerned court's report dated 01-02-2022, the parties consented to the quashing of FIR and consequent proceedings without any threat. No consent of respondent No.2 is required as he was not aggrieved person.

ANALYSIS & REASONING:

6. Despite the opposition of the State’s counsel to this compromise, the following aspects

would be relevant to conclude this petition. In the present case, the offences under section 346 of Indian Penal Code (IPC) is compoundable under Section 320 CrPC. Given the legislative mandate, the prosecution can be closed by quashing the FIR and consequent proceedings.

7 In Shakuntala Sawhney v Kaushalya Sawhney, (1979) 3 SCR 639, at P 642, Hon'ble Supreme Court observed that the finest hour of Justice arises propitiously when parties, who fell apart, bury the hatchet and weave a sense of fellowship or reunion.

8. In the light of the judicial precedents referred to above, given the terms of compromise, placement of parties, and other factors peculiar to the case, the contents of the compromise deed and its objectives point towards its acceptance.

9. In Himachal Pradesh Cricket Association v State of Himachal Pradesh, 2018 (4) Crimes 324, Hon'ble Supreme Court holds "[47]. As far as Writ Petition (Criminal) No. 135 of 2017 is concerned, the appellants came to this Court challenging the order of cognizance only because of the reason that matter was already pending as the appellants had filed the Special Leave Petitions against the order of the High Court rejecting their petition for quashing of the FIR/Chargesheet. Having regard to these peculiar facts, writ petition has also been entertained. In any case, once we hold that FIR needs to be quashed, order of cognizance would automatically stands vitiated."

10. Considering the entire facts, compromise, and in the light of the above-mentioned judicial precedents, I believe that continuing these proceedings will not suffice any fruitful purpose whatsoever. In the facts and circumstances peculiar to this case, the Court invokes the inherent jurisdiction under section 482 CrPC and quashes the FIR and all subsequent proceedings qua the petitioner(s). The bail bonds of the petitioner are accordingly discharged. All pending application(s), if any, stand closed.

Petition allowed in the terms mentioned above.

(ANOOP CHITKARA)
JUDGE

05.07.2022
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Whether speaking/reasoned: Yes
Whether reportable: No.