

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-46014-2022

Date of Decision: September 30, 2022

Kapil

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ankur Lal, Advocate,
for the petitioner.

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. 119, dated 18.08.2021, under Section 346 of the Indian Penal Code (for short 'IPC') (offence punishable under Sections 363, 366, 376(2)(n), 342, 506 IPC added later on), registered at Police Station Rewari Sadar, District Rewari and all the consequential proceedings arising therefrom, on the basis of compromise dated 26.09.2022 (Annexure P-3).

Learned counsel for the petitioner contends that the petitioner is facing the trial for having committed the offence under Sections 346, 363, 366, 376(2)(n), 342, 506 IPC in the court of learned Additional Sessions Judge, Rewari. During the course of trial, the statement of the

prosecutrix i.e. respondent no.3 has been recorded. Although, she has supported the prosecution version and also reiterated the statement suffered before the police, as well as, recorded under Section 164 of the Code of Criminal Procedure (for short the `Code`), but she could not withstand the detailed cross-examination on some vital facts. The petitioner and respondent no.3 are close relatives and subsequently, a compromise (Annexure P-3) has also been effected between them.

It may be mentioned here that during the course of her examination-in-chief, the respondent no.3 has attributed allegations of commission of rape against the petitioner. In the event, there is any infirmity or anything favourable to the petitioner emerging in the cross-examination, this aspect is to be considered and looked into by the trial Court at the appropriate stage of the trial. The infirmity, if any, emerging in the cross-examination of the respondent no.3 cannot be termed to be a circumstance to quash the FIR.

Even otherwise, in the event, at a subsequent stage, a compromise has been effected, it cannot be termed to be a sufficient and reasonable ground to quash the FIR merely on the score that the parties are relatives.

The perusal of the statement of the victim (Annexure P-2) is indicative of the fact that there are

allegations with regard to the commission of repeated rape for a period of about 5 days attributed against the petitioner. Furthermore, he had also been threatening the prosecutrix to kill her daughters.

The inherent jurisdiction under Section 482 of the Code has to be exercised sparingly, carefully and with caution and circumspection only when such an exercise appears to be essential to achieve the ends of justice and prevent the abuse of process of Court. In the event of allegations are with regard to the commission of a grave non-compoundable offence, the inherent power of the High Court under Section 482 of the Code cannot be exercised to quash the criminal proceedings. It cannot be said that the dispute in the instant case is civil and personal in nature. The FIR cannot be quashed on the basis of any compromise, in the event the allegations pertain to grave and serious offence.

In these set of circumstances, no reasonable ground is made out to invoke the inherent jurisdiction of this Court under Section 482 of the Code to quash the FIR.

Present petition is dismissed, accordingly.

September 30, 2022
vkd

(Vivek Puri)
Judge

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