

258 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47367-2019
Date of Decision: 06.09.2022

MOHD SATTAR @ SATTAR MOHD AND ANOTHER
... PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Saqib Ali Khan, Advocate for the petitioners.

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

Mr. Amit Thakur, Advocate for
Mr. Anshuman Gupta, Advocate for respondent Nos.2&3.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 72 dated 07.07.2019 registered under Sections 225 of the Indian Penal Code and Section 21 of Protection of Children from Sexual Offences Act at Police Station City II, Malerkotla, District Sangrur and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

Briefly, as per the allegations, the case bearing FIR No. 129 dated 19.11.2018 under Section 376 of IPC and Section 6 of Protection of Children from Sexual Offences Act (for short 'the Act') was registered against Akib Sattar, the son of the petitioners. During the course of investigation, respondent No.2 came to know that the petitioners in connivance with each other have sent their son abroad and made the life of

his daughter hell.

On 07.11.2019, the parties were directed to appear before the Trial Court and get their statements recorded with regard to the compromise arrived at between them. The Trial Court was directed to record the statements of all the concerned and send its report regarding genuineness of the compromise.

In compliance of the order dated 07.11.2019, learned District & Sessions Judge, Sangrur has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“On receipt of such order, statements of victim, her father Abdul Guffar and accused Sattar Mohammad and Akhtari Parveen have been recorded. Report of the police was also called and my report on the aforesaid aspects is as under:-

(1) There is no other person arrayed as accused except the petitioners;

(2) As per record, only the respondents are affected/aggrieved party. There is no other complainant in this case.

On recording of statements of victim, her father and accused, I have arrived at a conclusion that they have made such statements voluntarily, without any coercion or undue influence and the compromise seems to be genuine. The victim and her father have no objection if the FIR is quashed.”

Learned counsel for the petitioners contend that the dispute between the parties has been amicably settled in terms of compromise, Annexure P-3. The marriage of respondent No.3 who is the daughter of respondent No.2 has been solemnized with Akib Sattar, the son of the petitioners on 04.10.2019. The other FIR No. 129 dated 19.11.2018 registered under Section 376 IPC and Section 6 of the Act, at Police Station City-II, Malerkotla, District Sangrur has been quashed on the basis of

compromise, in terms of the order dated February 12, 2020 passed in CRM-M-45479-2019. The son of the petitioners was arraigned as an accused in that case. Respondent No.3 i.e. the daughter of respondent No. 2 is happily residing in her matrimonial house with the son of the petitioners.

Learned counsel for respondent Nos.2 & 3 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is quashed.

After hearing learned counsel for the parties and going through the record of the case, 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 because the parties have arrived at a settlement, out of the Court, by way of compromise (Annexure P-3). The compromise is without any pressure and is a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the family dispute has been sought to be amicably settled. Consequently, a deserving case is made out where the Court should exercise the power to secure the ends of justice.

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***.

Accordingly, the present petition is allowed and FIR No. 72

dated 07.07.2019 registered under Sections 225 of the Indian Penal Code and Section 21 of Protection of Children from Sexual Offences Act at Police Station City II, Malerkotla, District Sangrur and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

06.09.2022

Janki

**(VIVEK PURI)
JUDGE**

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