

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**251****CRM-M-8222-2021(O&M)****Date of decision: 16.10.2023****Karan****...Petitioner(s)****Vs.****State of Haryana & Others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. Ambanshu Sahni, Advocate
for the petitioner.

Ms. Deep Shikha Chauhan, AAG Haryana.

Mr. Armaan Gagneja, Advocate
for respondents No.2 and 3.

NIDHI GUPTA, J.

The prayer in this petition is for quashing of FIR No.366 dated 16.08.2019 (Annexure **P-1**) under Section 4 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Baldev Nagar, Ambala City, Ambala and all consequential proceedings arising therefrom on the basis of compromise dated 23.12.2020 (Annexure P-3) arrived at between the parties.

Vide order dated 22.02.2021, Co-ordinate Bench of this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 22.02.2021 with regard to the compromise dated 23.12.2020 (Annexure P-3).

In terms of the order dated 22.02.2021 passed by this Court parties have appeared before the Court of learned Judicial Magistrate, 1st Class, Ambala and as per her report dated 03.03.2021

submitted to this Court, both the parties have got recorded their respective statements in Court.

A perusal of the above said report would show that the petitioner and respondents No.2 & 3 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Vide last order dated 20.09.2023, learned State Counsel had sought time to verify the factum of marriage between the petitioner and respondent No.3.

Learned State Counsel on instructions from ASI Ajit Pal, Police Station Baldev Nagar, submits that the petitioner was married to respondent No.3 on 15.06.2022. Learned counsel further submits that the victim in her statement under Section 164 Cr.P.C. dated 17.08.2019 had stated that she was married to the petitioner. It is submitted that at that time, traditional ceremonies were conducted between the petitioner and respondent No.3 however, marriage as per law was performed on 15.06.2022 and also two children are born out of this wedlock.

Learned counsel for the petitioner submits that the petitioner was not declared proclaimed offender in the present case.

Learned State Counsel has stated that she has no objection in case the FIR is quashed on the basis of compromise qua the petitioner.

Learned counsel for respondents No.2 & 3 has again reiterated that the matter has been settled and the said compromise is in

the interest of all the persons and would help in bringing out peace and amity between the two parties.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the Illaqa Magistrate, this Court finds that the matter has been amicably settled between the petitioner and the complainants. Since the matter has been settled and the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

As per the Full Bench judgment of this Court in **“Kulwinder Singh and others Vs State of Punjab”, 2007 (3) RCR (Criminal) 1052**, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the proceedings where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble Apex Court in the case of **“Gian Singh Vs. State of Punjab and another”, 2012 (4) RCR (Criminal) 543**, had also observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The

relevant portion of para 57 of the said judgment is reproduced hereinbelow:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court.”

In view of what has been discussed hereinabove, this petition is **allowed** and FIR No.366 dated 16.08.2019 (Annexure **P-1**) under Section 4 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Baldev Nagar, Ambala City, Ambala and all consequential proceedings arising therefrom on the basis of compromise dated 23.12.2020 (Annexure P-3), are ordered to be quashed qua the petitioner.

Petition stands disposed of.

Pending application(s) if any also stand(s) disposed of.

A copy of this order be given to learned counsel for the petitioner under the signatures of the Bench Secretary of this Court.

16.10.2023
Sunena

(Nidhi Gupta)
Judge

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