

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

CRM-M-10658-2022

Date of Decision: August 09, 2023

Sukhbir Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Pawan Attri, Advocate,
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

Mr. Nitin Kumar Sharma, Advocate
for respondents No. 2 and 3.

Vivek Puri, J.

1. 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. 64, dated 14.02.2019, under Sections 363, 366-A of the Indian Penal Code (for short 'IPC') and Section 4 of the Protection of Children from Sexual Offences Act, registered at Police Station Shahbad, District Kurukshetra and all the consequential proceedings arising therefrom, on the basis of compromise dated 25.02.2022.

2. Briefly, the FIR has been registered on the basis of the statement of the respondent no.2, father of the victim, alleging that on 12.02.2019, the respondent no.3/victim, was missing from the house. It was suspected that she has been enticed by the petitioner with the intention to solemnize the marriage. It has been further submitted that the dispute has been amicably settled between the parties in terms of the panchayati compromise (Annexure P-5). The date of birth of the respondent no.3 is 16.08.2001 as is evident from the copy of Aadhaar Card (Annexure P-7). After attaining the age for valid marriage, the petitioner and respondent no.3 have solemnized marriage on 09.11.2021 and Annexure P-2 is the copy of wedding card. Annexure P-3 are the photographs depicting the ceremonies of marriage and Annexure P-4 is the certificate of marriage issued by the Marriage Registrar, Government of Haryana. The respondent no.3 is happily residing in the matrimonial house.

3. It has been contended by the learned counsel for the petitioner, as well as, respondents no.2 and 3 that the date of birth of the victim/respondent no.3 is 16.08.2001. Subsequent to the registration of the FIR and

after attaining the age of majority, the petitioner has solemnized marriage with the victim/respondent no.3. The marriage has been solemnized with the consent and participation of the parents of respondent no.3. The respondent no.3 is stated to be happily residing in the matrimonial home with the petitioner.

4. In terms of order dated 08.12.2022, the parties were directed to appear before the learned trial Court/Illaq 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.

5. In compliance of the order dated 08.12.2022, both the parties have appeared before the learned Sub Divisional Judicial Magistrate, Shahabad and got their statements recorded. It may be mentioned here that in the report the name of the complainant has been mentioned, but the same is not being reproduced in the judgment and is being referred to as 'respondent no.3'. The learned Sub Divisional Judicial Magistrate after recording the statements of the parties, has sent

the report dated 01.03.2023, the relevant para whereof reads as under:-

"In compliance of said order, the complainant Satbir Singh, Victim-respondent no.3 as well as accused namely Sukhbir Singh have appeared before the undersigned on 22.02.2023. Separate joint statement of complainant Satbir Singh and victim-respondent no.3 as well as separate statement of accused Sukhbir Singh has been recorded. In their statements, both the parties stated that they have entered into a compromise voluntarily and without any pressure, coercion and threat. Separate statement of Investigating Officer ASI Mukesh No. 256/KKR, P.S. Shahabad has also been recorded on 27.2.2023.

As per the order dated 08.12.2022 passed by the Hon'ble Punjab and Haryana High Court, following information are as under:-

(i) There is no other accused person in this case except above named accused and none of the accused has been declared proclaimed offender in the present FIR. No any such proceeding have been initiated or pending against the present accused in District Kurukshetra.

(ii) The compromise is genuine and is found valid, voluntary, out of free

will of the parties and without any influence and coercion.

(iii) No other FIR is pending against the present accused in District Kurukshetra as per the statement of Investigating Officer."

6. Learned counsel for the parties are *ad idem* that as an amicable settlement has been effected between the private parties and have solemnized marriage, it shall be appropriate to meet the ends of justice, if the FIR and subsequent proceedings are quashed.

7. Learned counsel for the petitioner 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.

8. 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.

9. 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.

10. In such circumstances, the possibility of conviction also become 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.

11. 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.

12. 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**.

13. 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. 64, dated 14.02.2019, under Sections 363, 366-A IPC and Section 4 of the Protection of Children from Sexual Offences Act, registered at Police Station Shahbad, District Kurukshetra and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

14. Resultantly, with the above-said observations made, the instant petition stands allowed.

August 09, 2023
vkd

[Vivek Puri]
Judge

Whether reasonable / speaking : Yes
Whether reportable : Yes