

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-19518-2021 (O&M)

Date of order: 06.10.2023

Gurpreet Singh

.....Petitioner(s)

Vs.

State of Punjab & Others

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTAPresent:- Mr. Gopal Singh Nahel, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG Punjab.

Mr. Amit Rana, Advocate
for respondents No.2 and 3.

Nidhi Gupta, J.

The prayer in this petition is for quashing of FIR No.204 dated 02.12.2020 under Section 376(2)(n) IPC and Section 6 of POCSO Act (Sections 417 and 420 IPC added later on) registered at Police Station Sadar Ahmedgarh, District Sangrur (Annexure P1) and all subsequent proceedings arising therefrom, on the basis of compromise dated 15.04.2021 (Annexure P-2) arrived at between the parties.

Vide order dated 08.12.2022 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 08.12.2022 with regard to the compromise dated 15.04.2021 (Annexure P-2).

In terms of the order dated 08.12.2022 passed by this Court parties have appeared before the Court of learned Additional Sessions Judge, Sangrur and as per his report dated 16.03.2023 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 respondent No.2 has appeared and suffered statement with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Vide last order dated 08.12.2022, it was noted as under:-

“Learned counsel for the petitioner contends the FIR has been registered on the basis of the statement of respondent No.2 alleging that she is 17 years old and was in relationship with the petitioner. The petitioner and respondent No.2 had developed physical relationship and a child has also been born to her on 01.12.2020. The FIR has been lodged on the allegations that the sexual relationship was developed on the false pretext of marriage. The dispute has been amicably settled between the parties in terms of the compromise Annexure P-2. The petitioner and respondent No.2 have solemnized marriage on 11.07.2021 after respondent No.2 has attained the age of majority. Her date of birth is stated to be 09.06.2003. The petitioner has been granted interim bail by this Court and is on interim bail since 01.07.2021. Respondent No.2 alongwith the minor child is happily residing in the house of the petitioner”.

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

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

Learned counsel for respondents No.2 and 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 complainant. 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.204 dated 02.12.2020 under Section 376(2)(n) IPC and Section 6 of POCSO Act (Sections 417 and 420 IPC added later on) registered at Police Station Sadar Ahmedgarh, District Sangrur (Annexure P1) and all subsequent proceedings arising therefrom, on the basis of compromise, are ordered to be quashed qua the petitioner.

Petition stands disposed of.

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

06.10.2023
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No