

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

CRM-M-19356-2022

Date of Decision: *July 06, 2023*

Gurwinder Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: **HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Satvir Singh, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. G.S. Bajwa, Advocate
for Ms. Jaspreet Kaur, Advocate
for respondent No. 2.

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. 72, dated 13.03.2020, under Section 376 of the Indian Penal Code (for short 'IPC'), (Sections 420, 376(2) (n), 313 IPC were added later on), registered at Police Station Sadar Dhuri, District Sangrur and all the consequential proceedings

arising therefrom, on the basis of compromise dated 07.01.2022.

2. Briefly, the FIR has been registered on the basis of the statement of the respondent no.2 raising allegations of commission of sexual intercourse on the false pretext of marriage.

3. It has been contended by the learned counsel for the petitioner that the dispute has been amicably settled between the parties in terms of compromise dated 07.01.2022 (Annexure P-2). After registration of the FIR, petitioner and respondent no.2 have solemnized marriage and respondent no.2 is happily residing in the matrimonial house. Besides, the couple has been blessed with two children.

4. In terms of order dated 07.05.2022, the parties were directed to appear before the learned Illaqa/Duty 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 07.05.2022, both the private parties have appeared before the learned Judicial Magistrate First

Class, Dhuri, 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.2'. The learned Judicial Magistrate First Class after recording the statements of the parties, has sent the report dated 26.05.2022, the relevant para whereof reads as under:-

"After evaluating the statements of the parties, the report on the enumerated aspects is submitted as under:-

1. Whether there is any other accused in the FIR?

Perusal of the file and as per the statement of the IO, there is no other accused person in the FIR.

2. Whether the parties are involved or declared proclaimed offender in any other criminal case?

The accused person is not involved or declared as proclaimed offender in any other criminal case.

3. If the compromise is genuine, voluntarily and without any coercion or under influence?

Through their respective statements, the complainant stated that she has entered into a compromise without any pressure, influence,

coercion and with her free consent. The complainant-respondent no.2 stated in specific terms that she has no objection if the FIR is quashed. Therefore, from the statement of the complainant, it is concluded that the compromise so effected between the parties is genuine, voluntary and without any coercion or undue influence."

6. Learned counsel for the parties are *ad idem* that as an amicable settlement has been effected between the private parties and petitioner and respondent no.2 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, petitioner and respondent no.2 are stated to be aged about 23 and 28 years, respectively and are stated to be residing happily with each other after solemnization of marriage. Besides, the couple has been blessed with two children.

10. In such circumstances, the possibility of conviction also becomes remote and bleak and

continuation of criminal case will cause injustice not only to the petitioner but also to respondent No.2, 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 the petitioner and respondent No.2 were in relationship and it has materialized into marriage. The respondent No.2 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.2 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. 72, dated 13.03.2020, under Section 376 IPC (Sections 420, 376(2)(n), 313 IPC were added later on), registered at Police Station Sadar Dhuri, District Sangrur 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.

July 06, 2023
vkd

[Vivek Puri]
Judge

Whether reasonable / speaking : Yes / No
Whether reportable : Yes / No