

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

CRM-M-25667-2022

Date of Decision: *August 17, 2023*

Amandeep Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

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

Present: Mr. Nitish Garg, Advocate,
for the petitioner.

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

Mr. Rahul Arora, 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. 407, dated 28.12.2021, under Sections 313, 376(2)(n) of the Indian Penal Code (for short 'IPC'), registered at Police Station Civil Lines, Patiala, and all the consequential proceedings arising therefrom, on the basis of affidavit dated 19.01.2022 (Annexure P-2).

2. Status report by way of affidavit of Sanjeev Singla, P.P.S., Deputy Superintendent of Police, City-1, District Patiala on behalf of respondent no.1, is taken on record.

3. Learned counsel for the petitioner contends that FIR has been registered on the allegations that the petitioner had been committing sexual intercourse with the respondent no.2 on the false pretext of marriage. The petitioner became pregnant on two occasions and abortion was conducted by administration of some tablets. The petitioner is serving as Major in Indian Army. His age is about 30 years and his date of birth is recorded as 11.01.1993 in the Aadhaar Card, copy whereof is Annexure P-4. The prosecutrix is aged about 26 years and her date of birth has been recorded as 25.08.1997 in the Aadhaar Card, copy whereof is Annexure P-5. The petitioner and the respondent no.2 have attained the age for valid marriage and have solemnized marriage on 13.11.2022. Annexure P-7 is the copy of marriage certificate issued by the Gurudwara Sri Guru Harkrishan Sahib, Urban Estate, Ambala City. The photographs depicting the ceremonies of marriage have also been annexed with the petition as Annexure P-6. Moreover, in the status report

furnished on behalf of respondent no.1, it has also been submitted that on 16.01.2023, the respondent no.2 had appeared before the police authorities and revealed that her marriage has been solemnized with the petitioner on 13.11.2022.

4. In terms of order dated 10.05.2023, 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 10.05.2023, both the private parties have appeared before the learned Judicial Magistrate First Class, Patiala, and got their statements recorded. The learned Judicial Magistrate First Class after recording the statements of the parties, has sent the report dated 03.07.2023, the relevant para whereof reads as under:-

1. The number of accused in the aforesaid FIR and to report whether any of the accused has been declared proclaimed offender or any such	As per the statement of Investigating officer, ASI Randhir Singh, only accused Amandeep Singh is arrayed as accused in FIR No. 407 dated 28.12.2021 under Sections 313,
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proceedings have been initiated or pending against him?	376(2)(n) IPC, P.S. Civil Lines, Patiala and he want not declared as proclaimed offender in this case nor any proceedings have been initiated for pending against him for declaring him proclaimed offender.
2. Whether the compromise entered between the parties is genuine, voluntarily without any coercion or undue influence?	As per the statements of both the complainant and accused, the compromise effected between them is genuine, voluntarily and same is without any coercion or undue influence.
3. Statement of IO regarding the involvement of petitioner in any other FIR?	In view of statement suffered by Investigating Officer Inspector Randhir Singh, accused Amandeep Singh son of Bikkar Singh is not involved in any other FIR.
4. Status of the trial pending before the Court?	As per the statements of Investigating Officer and Ahlmad of this Court, final report under Section 173 Cr.P.C. has not been filed by the concerned police authorities in this case against the accused before the Court."

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 on the judgment passed by Hon'ble Supreme Court in '**Ananda D.V Versus State and another**', **2021 All SCR (Cr1.) 1175**, 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 (Punjab & Haryana)** 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 30 and 26 years, respectively and are stated to be residing happily with each other after solemnization of marriage.

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**, approved 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. 407, dated 28.12.2021, under Sections 313, 376(2)(n) of the Indian Penal Code (for short 'IPC'), registered at Police Station Civil Lines, Patiala, 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 17, 2023
vkd

[Vivek Puri]
Judge

Whether reasonable / speaking : Yes
Whether reportable : Yes