

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-25124-2023

Date of decision: 15.09.2023

MANOHAR SINGH @ MANORI**...Petitioner****VERSUS****STATE OF PUNJAB AND OTHERS****...Respondents****CORAM : HON'BLE MS. JUSTICE NIDHI GUPTA**

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

Mr. Kunwarbir Singh, AAG, Punjab.

Ms. Kirandeep Kaur, Advocate
for respondent No.3.

NIDHI GUPTA, J.(ORAL)

The petitioner has filed the present petition under Section 482 Cr.P.C., for quashing of FIR No.214 dated 25.09.2021 under Sections 363 and 366-A of IPC, registered at Police Station City Goindwal Sahib, District Tarn Taran (Annexure P-2) and all the consequential proceedings arising therefrom.

A perusal of office report shows that respondent No.2-complainant/mother of respondent No.3 herein has been duly served, however, there is no representation on her behalf.

Learned counsel for the petitioner submits that the petitioner and respondent No.3/daughter of respondent No.2-complainant, have solemnized marriage on 26.09.2021 and one daughter is born out of their wedlock. It is submitted that present FIR was registered as complainant was against this marriage. It is further submitted that vide order dated 27.09.2021 (Annexure P-3), the petitioner and respondent No.3 were

granted protection by the learned Sessions Judge, Tarn Taran, after recording their statements. It is, therefore, prayed that the present FIR may be quashed as such.

Learned State counsel as well as respondent No.3 affirms the above-said facts as mentioned by learned counsel for the petitioner.

In a similar case before the High Court of Delhi, bearing Crl. M.C. 5323/2023 & Crl.M.A.20227/2023 titled as '*Arjun Kamti vs. The State of GNCT of Delhi through SHO & Ors.*', FIR under Section 363/376 of IPC and under Section 6 of POCSO Act was registered on the statement of father of alleged victim, who was 16-18 years of age. Quashing of the said FIR was sought by the accused-petitioner before the High Court on the ground that the accused and the victim were now happily married and had children together. In view of the fact that accused/petitioner and victim were happily married and had children, High Court of Delhi was pleased to quash the said FIR.

The Supreme Court in **Gian Singh V State of Punjab and Others**, (2012) 10 SCC 303 laid down following principles:-

“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 what cases power to quash the criminal proceeding or

complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominatingly civil favour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High

Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

In the present case, it is the considered view of this Court that in view of the fact that petitioner and respondent No.3 are living together happily after marriage; and even one daughter is born to them, it would therefore, be “contrary to the interest of justice to continue with the criminal proceeding”. Accordingly, the present petition is allowed and FIR No.214 dated 25.09.2021 under Sections 363 and 366-A of IPC, registered at Police Station City Goindwal Sahib, District Tarn Taran (Annexure P-2) along with all other consequential proceedings arising therefrom, is ordered to be quashed qua the petitioner.

September 15, 2023
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(NIDHI GUPTA)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No