

CRM-M-27927-2023

2023:PHHC:163981
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298 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27927-2023
DATE OF DECISION:-19.12.2023

Kakool

...Petitioner.

vs.

State of Punjab and others

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Shrey Goel, Advocate,
for the petitioner.

Mr. G.S. Dhillon, AAG, Punjab.

Ms. Ambika Jindal, Advocate,
for respondents No.2 and 3.

HARKESH MANUJA, J. (Oral)

1. By way of present petition under Section 482 Cr.P.C., the petitioner prays for quashing of FIR No.53, dated 28.07.2022, under Sections 363 and 366-A IPC, registered at Police Station Sadar Rupnagar, District Rupnagar (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of compromise/affidavits dated 12.05.2023 (Annexures P-4 and P-5).

2. As per allegations levelled in the FIR, the petitioner abducted respondent No.3 on the pretext of marriage.

3. In pursuance of order dated 30.05.2023 passed by this Court, whereby parties were directed to appear before the Trial Court for getting their statements recorded as regards the veracity of compromise arrived at between them, a report dated 21.07.2023 has been received from the

concerned Court, stating that compromise is genuine and has been effected between the parties willfully and without any pressure or influence from any quarter. No other case or FIR is pending against the accused.

4. Once, the compromise has been arrived at between the parties without any pressure and respondents No.2 and 3 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; there does not appear to be any impediment as regards quashing of present FIR qua the petitioner. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

It is pertinent to mention here that petitioner solemnized marriage with respondent No.3 on 16.09.2022 and both are living peacefully as husband & wife and a baby child was born out of their wedlock, who is 7½ months old and therefore, continuation of the proceedings in pursuance to the FIR in question would even cause disturbance to the peaceful matrimonial life of the concerned parties.

Moreover, the petitioner undertakes to deposit an FDR of Rs.1 lakh in the name of baby namely, Abeer, born out of their marriage.

5. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the Trial Court to invest further time and effort in adjudicating this FIR.

The compromise in question is even found to be fully in consonance with

the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***

6. Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, FIR No.53, dated 28.07.2022, under Sections 363 and 366-A IPC, registered at Police Station Sadar Rupnagar, District Rupnagar as well as all subsequent proceedings arising therefrom are hereby quashed qua the petitioner.

7. Accordingly, petition stands allowed.

19.12.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No