

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

CRM-M-26414-2023 (O&M)

Date of Decision: *November 15, 2023*

Gursewak Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Abdul Aziz, Advocate,
for the petitioner.

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

Ms. Arzoo Modi, Advocate,
for Mr. Pradeep Singh Tor, Advocate
for respondent Nos. 2 and 3.

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 bearing No. 125, dated 12.10.2021, under Sections 363, 366-A of the Indian Penal Code (for short 'IPC'), registered at Police Station Sadar Raikot, District Ludhiana and all other consequential proceedings arising therefrom, on the basis of compromise dated 17.05.2023 (Annexure P-2).

2. Learned counsel for the petitioner contends that the FIR has been registered at the instance of respondent no.2 alleging that the respondent no.3 has been kidnapped by the petitioner on the pretext of solemnizing marriage with her. It has been submitted that the dispute between the parties has been amicably settled. The date of birth of the respondent no.3 is 23.07.2004. After attaining the age for valid marriage, the respondent no.3 has solemnized marriage with the petitioner on 14.01.2023 and Annexure P-4 is the marriage certificate. At the earlier instance, the respondent o.3 was confined in Aashiana (Protection Home), Sector 15, Chandigarh. In pursuance of the order dated 10.01.2023 passed by the learned Judicial Magistrate First Class, Jagraon, custody of the respondent no.3 was allowed to accompany the petitioner. It has been further submitted that after solemnization of marriage, the respondent no.3 is happily residing in the matrimonial home with the petitioner.

3. In terms of order dated 25.05.2023, the parties were directed to appear before the learned trial Court/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.

4. In compliance of the order dated 25.05.2023, both the private parties have appeared before the learned Additional Sessions Judge, Ludhiana, and got their statements recorded. The learned Additional Sessions Judge after recording the statements of the parties, has sent the report dated 06.07.2023, which reads as under:-

“It is respectfully submitted that in case titled as ‘State versus Gursewak Singh’, in FIR No. 125 dated 12.10.2021, under sections 363, 366-A IPC, PS Sadar, Raikot is pending in the Court of undersigned and is fixed for evidence of the prosecution witnesses for 06.07.2023. However, as per the directions given by the Hon’ble High Court vide order dated 25.05.2023 in CRM-M-26414 of 2023, parties have appeared before this Court today i.e. 05.07.2023 and the statements of the complainant as well as the victim and the accused are recorded. The complainant Gurdev Singh son of Amarjit Singh, resident of village Andlu has stated that he has got registered the FIR no. 125 of 2021, under Section 363, 366-A IPC PS Sadar, Raikot. He does not want to proceed with the present case due to compromise with the accused. Moreover, his daughter who was born on 23.07.2004 after

crossing the age of 18 years has solemnized marriage with the accused. He has given this statement and effected compromise with the accused without any pressure, fear or coercion and out of his free will. Similarly, victim has stated that she has solemnized marriage with the accused and is residing happily with him. She has also given this statement without any pressure, fear or coercion and out of her free will. Statement of accused is also recorded, who has stated that he has solemnized marriage with daughter of the complainant after she turned of the age of 18 years on 14.01.2023 and they are residing happily. He has prayed for quashing of the FIR.

It is further submitted that in this case there is no other accused except Gursewak Singh son of Nirmal Singh and there is no other complainant or effected party except respondents Gurdev Singh and Harleen Kaur. The parties are not involved in any other criminal case and no one has been declared as Proclaimed offender in this case. The compromise between the parties appears to be genuine one.”

5. 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.3 have solemnized marriage, it shall be appropriate to meet the ends of justice, if the FIR and subsequent proceedings are quashed.

6. 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 (Crl.) 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.

7. 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.

8. 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 residing together happily.

9. 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.3, who is legally wedded wife of the petitioner.

10. 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. 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.3 as husband and wife.

11. 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**.

12. 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. 125, dated 12.10.2021, under Sections 363, 366-A IPC, registered at Police Station Sadar Raikot, District Ludhiana and all other consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

13. Resultantly, with the above-said observations made, the instant petition stands allowed.

November 15, 2023
vkd

[Vivek Puri]
Judge

Whether reasoned / speaking : Yes / No
Whether reportable : Yes / No