

CRM-M-29429-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-29429-2022 (O&M)

Date of decision: August 04, 2023

Jai Govind Chouhan

....Petitioner

versus

State of Chandigarh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Vikas Garg, Advocate for petitioner.Mr. Viranjeet Singh Mahal, Additional P.P. U.T., Chandigarh
assisted by ASI Kirnpal.

Mr. Deepak Gupta, Advocate for respondent No.2.

ARUN MONGA, J. (ORAL)

The instant petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking quashing of FIR No.72 dated 18.05.2022, under Sections 376(1) of IPC, under Section 6 of the Protection of Children from Sexual Offence Act, 2012 and under Section 10 of the Prohibition of Child Marriage Act, 2006, registered at Police Station Sector 39, Chandigarh, on the basis of compromise.

2. Since quashing was sought on the basis of compromise, this Court on 22.03.2023 had directed the parties to appear before the trial Court/ *Illaq*a Magistrate for recording of their statements in support of the compromise. A veracity report was also called for.

3. Placed on record is a report dated 26.04.2023 of learned Fast Track Special Court, Chandigarh and a perusal of the same would reveal that the statements of the complainant /respondent No.2 as also of the accused/present petitioner herein have been duly recorded and it has been opined that a compromise has been arrived and the same is voluntarily, without any threat, coercion or undue influence from any side. The report is accompanied by the statements of the parties which were duly recorded.

4. Learned counsel appearing on behalf of respondent No.2 also makes a statement that the compromise having been effected, he would have no objection to the quashing of the FIR in question.

5. This Court in appropriate cases can exercise the power under Section 482 Cr.P.C. for quashing of criminal proceedings/FIR on the basis of compromise. A reference in this regard may be made to a decision dated 29.09.2021 of the Supreme Court in case titled *Ramgopal and anr. V. The State of Madhya Pradesh*¹ and a Full Bench decision of this Court in *Kulwinder Singh and others V. State of Punjab and others*².

6. Adverting back to the facts of the present case, it is apparent that the complainant/respondent and accused/petitioner are husband and wife and compromise has been arrived at between the parties voluntary and without any coercion.

7. In the considered view of this Court, it would be an appropriate case for exercise of power under Section 482 Cr.P.C. and to bring to an end the criminal proceedings initiated in the light of the impugned FIR.

8. For the reasons recorded above, the present petition is allowed. FIR No.72 dated 18.05.2022, under Sections 376(1) of IPC, under Section 6 of the Protection of Children from Sexual Offence Act, 2012 and under Section 10 of the Prohibition of Child Marriage Act, 2006, registered at Police Station Sector 39, Chandigarh *qua* the petitioner stands quashed.

9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 04, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

¹Criminal Appeal No.1489 of 2012

²2007 (3) RCR (Criminal) 1052