

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
261 **CRM-M-33378-2022 (O&M)**
Date of decision: 21.09.2023

Ajit

...Petitioner(s)

Vs.

State of Haryana & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Rajesh Goyal, Advocate
for the petitioner.

Ms. Deep Shikha Chauhan, AAG Haryana.

Mr. Ravi Kumar Girdhwal, Advocate
for respondents No.2 & 3.

NIDHI GUPTA, J.

The prayer in this petition is for quashing of FIR No.1261 dated 18.12.2018 under Sections 363, 366 and 376(2) IPC and Section 6 of POCSO Act registered at Police Station Model Town, Panipat and all consequential proceedings arising therefrom on the basis of compromise arrived at between the parties.

Vide order dated 01.05.2023 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 01.05.2023 with regard to the compromise.

In terms of the order dated 01.05.2023 passed by this Court parties have appeared before the Court of learned Additional District and Sessions Judge, Fast Tract Court (POCSO), Panipat and as per his report

dated 29.05.2023 submitted to this Court, both the parties have got recorded their respective statements in Court.

A perusal of the above said report would show that the petitioner and respondents No.2 & 3 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned State Counsel had sought time to verify the factum of marriage between the petitioner and respondent No.2/victim. Learned State Counsel refers to Para 6 of reply dated 16.09.2023 wherein it has been mentioned as follows:-

*“6. That now the petitioner and the respondent No.2/victim girl are residing together as husband and wife and they have been blessed with 2 children and the statements to this effect were also got recorded the respondent No.2/victim girl, respondent No.3/complainant, father of the victim girl/respondent No.2 and the petitioner during the enquiry by ASI Ram Parsad No.53 and the statement of victim girl/respondent No.2 is annexed with the Reply as **Annexure R-3** for the kind perusal of this Hon’ble Court.”*

Learned State Counsel also apprises this Court that correction be made in sub-para (ix) of Para 2 of Preliminary Submissions wherein it has inadvertently been mentioned that “...but the

complainant/respondent No.2 has turned hostile..". Learned State Counsel states that the word "*complainant*" be read as "*victim*".

Aforesaid correction is made on oral request of learned State Counsel.

Learned counsel for the petitioner has further submitted that the petitioner was not declared proclaimed offender in the present case.

Learned State Counsel has stated that she has no objection in case the FIR is quashed on the basis of compromise qua the petitioner.

Learned counsel for respondents No.2 & 3 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the two parties.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the Illaqa Magistrate, this Court finds that the matter has been amicably settled between the petitioner and the complainants. Since the matter has been settled and the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

As per the Full Bench judgment of this Court in **"Kulwinder Singh and others Vs State of Punjab", 2007 (3) RCR (Criminal)**

1052, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the proceedings where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble Apex Court in the case of **“Gian Singh Vs. State of Punjab and another”, 2012 (4) RCR (Criminal) 543**, had also observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment is reproduced hereinbelow:-

“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 view of what has been discussed hereinabove, this petition is allowed and FIR No.1261 dated 18.12.2018 under Sections 363, 366 and 376(2) IPC and Section 6 of POCSO Act registered at Police Station Model Town, Panipat along with all other consequential proceedings arising

therefrom on the basis of compromise, is ordered to be quashed qua the petitioner.

Petition stands disposed of.

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

21.09.2023

Sunena

(Nidhi Gupta)
Judge

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