

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

CRM-M-38079-2023

Date of Decision: October 30, 2023

Gurmeet Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ranbir Singh Sekhon, Advocate,
for the petitioners.

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

Mr. Kulbir Singh Saini, Advocate
for respondents No. 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 No. 142, dated 19.07.2017, under Sections 363, 366-A, 120-B of the Indian Penal Code (for short 'IPC') (Sections 376 IPC and 4 of the Protection of Children from Sexual Offences Act, added later on), registered at Police Station Dharamkot, District Moga and all the consequential proceedings arising therefrom, on the basis of compromise dated 24.09.2020 (Annexure P-3).

2. Learned counsel for the petitioners contend that the FIR has been lodged at the instance of respondent no.2 alleging that petitioner no.1 has kidnapped respondent no.3, who was less than 18 years of age. It has been submitted that the date of birth of respondent no.3 is 21.02.2001 as is evident from the copy of Aadhaar Card. Furthermore, after attaining the age of majority, respondent no.3 has solemnized marriage with petitioner no.1 on 18.04.2019. They have also been blessed with a son, who is presently aged about 1-1/2 years. They had also approached this Court vide CRM-M-18284-2019 seeking protection to their life and liberty. The respondent no.3 along with minor son is happily residing in the matrimonial house with petitioner no.1. The petitioner no.2 is also an accused in another case bearing FIR No. 251 dated 18.12.2019, under Sections 420, 465, 467, 468, 471, 120-B IPC registered at Police Station Guru Har Sahai. But the said case has no semblance or concern with the instant controversy.

3. In terms of order dated 16.08.2023, the parties were directed to appear before the learned trial Court/Illaq 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 16.08.2023, both the parties have appeared before the learned Additional Sessions Judge, Moga and got their statements recorded. The learned Additional Sessions Judge after recording the statements of the parties, has sent the report dated 20.09.2023, the relevant para whereof reads as under:-

“(1) Three accused have been arraigned in the FIR i.e. petitioners no.1 to 3.

(2) In the present FIR, as per statement of ASI Surjit Singh, no accused has been declared as proclaimed offender.

(3) In view of statements of Buta Singh, victim/respondent no.3 and the accused persons, this Court is of the view that compromise between the parties is genuine, voluntary and is not result of any coercion or undue influence in any manner.

(4) As per statement of SHO of Police Station Dharamkot, accused Gurmeet Singh and Kuldeep Singh are not involved in any other case. However, FIR No. 251 dated 18.12.2019 under Sections 420, 465, 467, 468, 471, 120-B IPC has been lodged against accused Sajjan Singh son of Tarlok Singh at Police Station Guru Har Sahai.

(5) As per statement of SHO of Police Station Dharamkot, Buta Singh son of Jarnail Singh is the complainant whereas respondent no.3 is the victim in the present FIR. There is no other complainant or victim except aforesaid.”

5. Learned counsel for the parties are *ad idem* that as an amicable settlement has been effected between the private

parties and 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** 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, in the case in hand, respondent No.3 after having attained the age of majority has solemnized the marriage with the petitioner no.1 and are stated to be residing happily with each other.

9. In such circumstances, the possibility of conviction also become remote and bleak and continuation of criminal case will cause injustice not only to the petitioner no.1 but also to respondent No.3, who is now legally wedded wife of the petitioner no.1.

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. Although the FIR was registered at the first instance but it has materialized into marriage. The respondent No.3 has attained the requisite age for valid marriage. 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 no.1 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. 142, dated 19.07.2017, under Sections 363, 366-A, 120-B IPC, (Sections 376 IPC and 4 of the Protection of Children from Sexual Offences Act, added later on), registered at Police Station Dharamkot, District Moga and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

October 30, 2023
vkd

[Vivek Puri]
Judge

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