

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

CRM-M-37142-2023 (O&M)

Date of Decision: *November 22, 2023*

Kuldeep Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: **HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Gopal Singh Nahel, Advocate,
for the petitioners.

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

Mr. Randeep Singh Gill, Advocate for
Ms. Nargis, Advocate,
for respondent No. 2.

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. 7, dated 21.07.2023, under Sections 376(2)(n), 354-A of the Indian Penal Code (for short 'IPC'), registered at Police Station Women Police Station Sangrur, District Sangrur and all other consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

2. Learned counsel for the petitioners contend that the FIR has been lodged on the allegations that petitioner

no.1 had developed physical relationship with respondent no.2 on the false pretext of solemnizing marriage and there are allegations of causing abortion on two occasions. The allegations against petitioner nos. 2 and 3 are to the effect that they had extended help in causing the abortion. In fact, there is no medical evidence to support the allegations with regard to abortion. The respondent no.2 is aged about 28 years. Earlier, she had solemnized marriage with Shinder Pal Singh and a son has been born from the wedlock. The marriage of respondent no.2 and Shinder Pal Singh has been dissolved by a decree of divorce dated 24.05.2019 passed by the Court of learned Additional District Judge, Sangrur. Petitioner no.1 and respondent no.2 have solemnized marriage on 23.07.2023 and she is happily residing in her matrimonial house with him. The dispute has been amicably settled between the parties. Even in her statement under Section 164 Cr.P.C, the respondent no.2 has acknowledged the fact of marriage with petitioner no.1 and residing in the matrimonial house.

3. In terms of order dated 11.09.2023, 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 11.09.2023, both the private parties have appeared before the learned Judicial Magistrate First Class, Sangrur, and got their statements recorded. It may be mentioned here that in the report the name of the complainant has been mentioned, but the same is not being reproduced in the judgment and is being referred to as 'respondent no.2'. The learned Judicial Magistrate First Class after recording the statements of the parties, has sent the report dated 17.11.2023, the relevant para whereof reads as under:-

"1. That the compromise is genuine and is voluntary in nature.

2. That there is no other accused apart from Kuldeep Singh, Maninder Singh and Manpreet Singh @ Mohna in the present case.

3. That there is no other complainant or effected/aggrieved party apart from respondent no.2 in the present case.

4. That none of the parties has been declared as proclaimed offender."

5. Learned counsel for the parties are *ad idem* that as an amicable settlement has been effected between the private parties and petitioner no.1 and respondent no.2 have solemnized remarriage, it shall be appropriate to meet the ends of justice, if the FIR and subsequent proceedings are quashed.

6. Learned counsel for the petitioners 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 no.1 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 petitioners but also to respondent No.2, who is 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. 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.2 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. 07, dated 21.07.2023, under Sections 376(2)(n), 354-A of the IPC, registered at Police Station Women Police Station Sangrur, District Sangrur and all other 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.

November 22, 2023
vkd

[Vivek Puri]
Judge

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