

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

CRM-M-45869-2022

Date of Decision: *October 18, 2023*

Gobinda @ Govinda and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Varun Girdhar, Advocate,
for Mr. Tarun Sharma, Advocate,
for the petitioners.

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

Mr. Inderpal Singh, Advocate,
for Mr. Harmandeep Singh, Advocate,
for respondent No. 2.

Vivek Puri, J.

1. The petitioners have 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. 116, dated 21.12.2021, under Sections 376, 406, 323, 506, 120-B of the Indian Penal Code (for short 'IPC'), registered at Police Station Lakho Ke Behram, District Ferozepur, Patiala, and all the consequential proceedings arising therefrom, on the basis of compromise dated 10.09.2022 (Annexure P-2).

2. Learned counsel for the petitioners contend that the FIR was registered on the allegations that the petitioner no.1 had committed sexual intercourse upon respondent no.2 on false pretext of marriage. The dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). The date of birth of respondent no.2 is stated to be 27.10.1994 and petitioner no.1 was born in the year 1999. The petitioner no.1 and respondent no.2 have attained the age of valid marriage and they have solemnized marriage on 12.02.2022. Petitioner no.1 and respondent no.2 had approached the Court of Sessions, Ferozepur and sought protection to their life and liberty alleging that they had solemnized marriage on 12.02.2022.

3. Learned counsel for respondent no.2 has acknowledged the fact of compromise.

4. Learned State counsel opposed the petition on the score that the petitioners had committed heinous crime and the offences are non-compoundable.

5. In terms of order dated 09.08.2023, the parties were directed to appear before the learned Illaqa Magistrate/Trial Court 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.

6. In compliance of the order dated 09.08.2023, both the private parties have appeared before the learned Judicial Magistrate First Class, Guruharsahai, and got their statements recorded. The learned Judicial Magistrate First Class after recording the statements of the parties, has sent the report dated 11.09.2023, the relevant para whereof reads as under:-

“After the evaluation of the statements of the parties, a report on the aspects so enumerated in the order, is that there are three persons arrayed as accused, no accused is declared as Proclaimed offender; the compromise is genuine, voluntary and without any coercion or undue influence. It is further respectfully submitted that as per statement of Investigating Officer ASI Gurdeep Singh, accused persons are not involved in any other FIR and there is only one victim/complainant.”

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

8. 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.

9. 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.

10. 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 aged about 24 and 29 years, respectively and are stated to be residing happily with each other after solemnization of marriage.

11. 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 now legally wedded wife of the petitioner no.1.

12. 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 the petitioner no.1 and respondent No.2 were in relationship and it has materialized into marriage. The respondent No.2 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.2 as husband and wife.

13. 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**.

14. 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. 116, dated 21.12.2021, under Sections 376, 406, 323, 506, 120-B of the IPC, registered at Police Station Lakho Ke Behram, District Ferozepur, and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

October 18, 2023
vkd

[Vivek Puri]
Judge

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