

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-58786-2022

Date of decision: 06.09.2023

NITIN KUMAR

...Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM : HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Rao Ajender Singh, Advocate along with
petitioner in person.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Ajeet Pal Singh, Advocate along with
respondent No.2 in person.

NIDHI GUPTA, J.(ORAL)

The petitioner has filed the present petition under Section 482 Cr.P.C., for quashing of FIR No.407 dated 23.10.2020 under Sections 376, 366, 313, 506, 323, 147 and 149 of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station City Rewari (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise deed dated 09.12.2022 (Annexure P-2).

Vide order dated 12.01.2023, parties were directed to appear before Illaqa/Duty Magistrate on 07.02.2023 for recording their statements.

Reply dated 28.08.2023 by way of affidavit of Pawan Kumar, HPS, Deputy Superintendent of Police, District Rewari has been filed on behalf of the respondent No.1-State. The same is taken on record. Copy thereof has been supplied to the counsel opposite.

Learned State counsel submits that respondent No.2/complainant in her statement made before police on 20.08.2023 has categorically stated that the petitioner after marrying her, has deserted her.

Learned counsel for the petitioner and the complainant submits that the said fact may be verified from the petitioner and respondent No.2/complainant, who are present in the Court, whether or not said statement dated 20.08.2023 of the respondent No.2/complainant is correct or not.

This Court questioned the complainant/respondent No.2 and she admitted that she is now residing with the petitioner, and she had made the statement dated 20.8.2023 before the police as on that date, she had a fight with the petitioner.

Pursuant to the order dated 12.01.2023 passed by a co-ordinate Bench of this Court, the parties had also appeared before the learned Chief Judicial Magistrate, Rewari to get their statements recorded. Learned Chief Judicial Magistrate, Rewari, has submitted his report along with copies of the statements of the parties vide letter dated 09.02.2023 duly forwarded by the learned District and Sessions Judge, Rewari.

A perusal of the above said report would show that the petitioner and respondent No.2 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, without any fear or pressure.

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 he has no objection in case the FIR is quashed on the basis of compromise qua the petitioner.

Learned counsel for respondent No.2 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 parties.

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

After perusing the report submitted by the concerned Magistrate, this Court finds that the matter has been amicably settled between the petitioner and the complainant. 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 offences 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 accordance 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.407 dated 23.10.2020 under Sections 376, 366, 313, 506, 323, 147 and 149 of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station City Rewari (Annexure P-1) along with all other consequential proceedings arising therefrom on the basis of compromise, are ordered to be quashed qua the petitioner.

September 06, 2023

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**(NIDHI GUPTA)
JUDGE**

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No