IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SMT. JUSTICE SUNITA YADAV

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 414 of 2024

BETWEEN:-

ANKIT PAL S/O SHRI RAJENDRA PAL, AGED ABOUT 23 YEARS, RAILWAY STATION KE PAAS DISTRICT DATIA (MADHYA PRADESH)

.....PETITIONER

(MR. SHEESHU YADAV - ADVOCATE FOR THE PETITIONER)

AND

1. **THE STATE OF MADHYA PRADESH INCHARGE POLICE STATION THROUGH POLICE STATION INDARGARH DISTRICT DATIA (MADHYA PRADESH)**

2. **A B H I O K T R I THROUGH POLICE STATION IDNERGARH, DATIA DATIA (MADHYA PRADESH)**

.....RESPONDENTS

(MS. KALPANA PARMAR - PANEL LAWYER FOR RESPONDENT NO. 1 - STATE AND MS. MADHU SHRIVASTAVA - ADVOCATE FOR RESPONDENT NO. 2 - PROSECUTRIX)

This petition coming on for admission this day, the court passed the following:

ORDER

By invoking inherent power of this Court, present petition has been preferred by petitioner u/S.482 of Cr.P.C. seeking quashment of FIR bearing Crime No.215/2022 registered at Police Station Indergarh, District Datia (M.P.) for the offences under Sections 363, 366 and 376 of IPC and Section 3/4 of POCSO Act and other subsequent criminal proceedings initiated therefrom on the basis of compromise.

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Alongwith the petition, both the parties have filed IA No.155/2024, stating therein that the petitioner/accused and respondent no.2/prosecutrix have solemnized the marriage with each other and one baby has also been born from their wedlock, therefore, they do not want to pursue the matter further.

In compliance of order dated 08.1.2024 passed by this Court, the factum of compromise has been verified by the Principal Registrar of this Court, who has recorded the statements of prosecutrix - respondent No. 2 as well as the petitioner - Ankit Pal and has submitted the report that the parties have arrived at compromise voluntarily without any threat, inducement and coercion.

Heard learned counsel for the parties and peruse the record.

In the cases of ***Jagdish Channa & others Vs. State of Haryana & another (AIR 2008 SC 1968), Madan Mohan Abbot Vs. State of Punjab (AIR 2008 SC 1969), Shiji Vs. Radhika & Another (2011) 10 SCC 705, and Narinder Singh & others Vs. State of Punjab (2014) 6 SCC 466***, Supreme Court has laid down that even in non-compoundable cases on the basis of compromise, criminal proceedings can be quashed so that valuable time of the Court can be saved and utilised in other material cases.

In view of the above as well as keeping in view the fact that the petitioner and respondent no.2 have married with each other and one baby has also been born from their wedlock, this Court is inclined to quash the FIR as no useful purpose would be served in prosecuting petitioner any further.

Consequently, this Court **allows** this MCRC with the following direction:-

> **1.** FIR dated 21.6.2022 bearing Crime No.215/2022 registered at Police Station Indergarh, District Datia (M.P.) for the offences under Sections 363, 366 and 376 of IPC

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and Section 3/4 of POCSO Act is hereby quashed.

2. All the consequential proceedings flowing out of the said FIR also stand quashed.

It is made clear that the instant FIR is being quashed only keeping in view the facts and circumstances of the present case and this order cannot be taken as a precedent on the power of High Court to exercise its jurisdiction under Section 482 of Cr.P.C. to quash an offence under section 376 of IPC on the ground that the victim and the accused have entered into a compromise.

With aforesaid, petition stands disposed of.

No order as to cost.

(SUNITA YADAV)
JUDGE

AKS

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