



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

225

CRM-M-878-2024 (O&M)

Date of Decision: 27.05.2024

Vikas

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Rakesh Sobti, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Anshul Jain, Advocate for respondents No. 2 and 3.

NIDHI GUPTA, J. (ORAL)

Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 104 dated 30.07.2023 (Annexure P-1) registered under Sections 365, 342, 328 and 376 read with Section 34 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 and all the consequential proceedings arising therefrom, on the basis of settlement agreement dated 21.12.2023 (Annexures P-2 and P-3) arrived at between the parties.

Pursuant to the order dated 07.02.2024 passed by this Court, the parties have appeared before the learned Additional District and Sessions Judge, Fast Track Special Court, Patiala, to get their statements recorded. Learned Additional District and Sessions Judge, Fast Track Special Court, Patiala, has submitted his report along with statements of the parties vide letter dated 11.03.2024 duly forwarded by the learned



District and Sessions Judge, Patiala.

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 valid, genuine, voluntary and without any coercion and undue influence.

Learned counsel for the petitioner, *inter alia*, submits that the petitioner was in a consensual relationship with the victim/respondent No. 2 herein, who was aged about 17-and-a-half years old at the time of alleged incident. FIR was registered on the basis of statement of the victim herself under the signatures of mother of the victim/respondent No. 3 herein. It is further submitted that a compromise dated 21.12.2023 (Annexure P-2) has arrived at between the parties. Further, petitioner and respondent No. 2 have solemnized marriage on 09.12.2023. Copy of marriage card, marriage certificate dated 09.12.2023 and photographs are annexed with the petition as Annexures P-7 to P-9, respectively.

In support, learned counsel for the parties rely upon judgment dated 02.06.2022 of this Court in **CRM-M-9543-2021** titled as '**Gurdeep Singh vs. State of Punjab and another**', wherein it has been held as under:-

“xxxx

In the instant case, the respondent no.2, who has already attained the age of majority, has solemnized marriage with the petitioner and the couple is stated to be residing happily with each other and a male child has also been born from the wedlock.

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 but also



to respondent No.2, who is now legally wedded wife of the petitioner.

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 of the Code, 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 and respondent No.2 as husband and wife.

For the aforesaid view, this Court finds support from **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, upheld 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**.

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. 16, dated 28.01.2020, under Section 376 (2) (n) of the Indian Penal Code and Sections 4 and 6 of the Protection of Children From Sexual Offences Act, 2012, registered at Police Station City-1, Sangrur, District Sangrur and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.
xxxx. ”

Learned State counsel has stated that he has ‘no objection’ in case the FIR is quashed on the basis of compromise qua the petitioner.

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

After perusing the report submitted by the learned Additional District and Sessions Judge, Fast Track Special Court, Patiala, this Court finds that the matter has been amicably settled between the petitioner and respondents No. 2 and 3; and petitioner and respondent No. 2 have solemnized marriage as well. 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 offence 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 here-in-below:-

“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 accord 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 here-in-above, this petition is allowed and FIR No. 104 dated 30.07.2023 (Annexure P-1)



registered under Sections 365, 342, 328 and 376 read with Section 34 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 and all the consequential proceedings arising therefrom, on the basis of settlement agreement dated 21.12.2023 (Annexures P-2 and P-3) arrived at between the parties, are ordered to be quashed qua the petitioner.

27.05.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No