



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

203

CRM-M-2035-2020

Date of Decision: 16.09.2024

Sandeep Kumar

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. NK Manchanda, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Vinay Puri, Advocate for respondent No. 2.

Mr. Sachin Kalia, Advocate for respondent No. 3.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 100 dated 02.08.2019 registered under Sections 363 and 366-A IPC at Police Station Nangal, District Rupnagar and all consequential proceedings arising therefrom, **on merits**.

On 03.04.2024, when this case was listed for hearing, following order was passed by this Court:-

*“Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 100 dated 02.08.2019 registered under Sections 363 and 366-A IPC at Police Station Nangal, District Rupnagar and all consequential proceedings arising therefrom, **on merits**.*

Learned counsel for the parties are ad idem that the matter has been settled between the parties. It is further submitted that the alleged victim/respondent No. 3 had solemnized marriage with the petitioner on 09.08.2019, as is evident from marriage certificate dated 09.08.2019 and photographs (Annexures P-2 and P-3, respectively); and currently they both are residing together happily as husband



and wife. Even one child has been born out of their wedlock. It is not denied by learned counsel for the parties that at the time of marriage, respondent No. 3 was major as her date of birth is 08.08.2001, as is borne out from her birth certificate dated 25.06.2004 and matriculation certificate dated 14.12.2017 (Annexures P-5 and P-6, respectively).

Learned counsel for respondent No. 2-complainant prays that he may be permitted to file an affidavit attesting to the factum of oral compromise entered into between the parties.

Adjourned to 18.04.2024.

Interim order to continue.”

Pursuant to the order reproduced above, learned counsel for the petitioner has filed an affidavit dated 13.09.2024 duly sworn-in by respondent No. 2-complainant attesting to the factum of oral compromise entered into between the parties. The same is taken on record.

On instructions from ASI Keshav Kumar, learned counsel for the State has informs that the petitioner and the alleged victim/respondent No. 3 herein have solemnized marriage on 09.08.2019; and one child has also been born out of the said wedlock.

Learned State counsel as well as learned counsel for respondents No. 2 and 3 have stated that they have ‘no objection’ in case the FIR is quashed on the basis of oral compromise arrived at between the parties.

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

In normal circumstances, the Court would not entertain a matter when the non-compoundable offences are heinous in nature and against the public. In the instant case, the offences complained of, are under Sections 363 and 366A IPC which no doubt are non-compoundable



offences and are of grave nature and the Courts should not in the ordinary circumstances interfere and quash the FIR that has been registered. However, there are always exceptions to the normal rules and certain categories of cases, which deserve consideration specially when it is case of love affair between teenagers. In the instant case, the petitioner and the victim/respondent No. 3 herein were in a love affair and the parents of respondent No. 3 were against their relationship. The alleged victim/respondent No. 3 had solemnized marriage with the petitioner on 09.08.2019, as is evident from marriage certificate dated 09.08.2019 and photographs (Annexures P-2 and P-3, respectively); and currently they both are residing together happily as husband and wife. Even one child has been born out of their wedlock. Moreover, with the intervention of respectables, an oral compromise has also been entered into between them. Respondent No. 2-complainant has also furnished his affidavit dated 13.09.2024 in Court today to the effect that the matter has been compromised and he has '**no objection**' in case the present petition has been allowed and the impugned FIR (Annexure P-1) may be ordered to be quashed.

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.

The Hon'ble Supreme Court in the case of *Narinder Singh and others vs. State of Punjab and another, 2014(6) SCC 466*, has laid down certain principles and guidelines which should be kept in mind while quashing of FIRs pertaining to non- compoundable offence. For



ready reference paragraphs No.29.2 and 29.5 are reproduced as under :-

“29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure : (i) ends of justice, or (ii) to prevent abuse of the process of any court. While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

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29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case.”

Even in a judgment rendered by the Hon'ble Supreme Court in ***Madan Mohan Abbot vs State Of Punjab, 2008 (4) SCC 582***, it has been held that it is advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings. Relevant paragraph of the said judgment is reproduced herein below :-

“5. It is on the basis of this compromise that the application was filed in the High Court for quashing of proceedings which has been dismissed by the impugned order. We notice from a reading of the FIR and the other documents on record that the dispute was purely a personal one between two contesting parties and that it arose out of extensive business dealings between them and that there was absolutely no public policy involved in the nature of the allegations made against the accused. We are, therefore, of the opinion that no useful purpose would be served in continuing with the proceedings in the light of the compromise and also in the light of the fact that the complainant has, on 11th January 2004, passed away and the possibility of a conviction being recorded has thus to be ruled out.

6. We need to emphasize that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly overburdened as they are, cannot afford and that the



time so saved can be utilized in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law.

7. We see from the impugned order that the learned Judge has confused a compounding of an offence with the quashing of proceedings. The outer limit of Rs.250/- which has led to the dismissal of the application is an irrelevant factor in the later case. We accordingly allow the appeal and in the peculiar facts of the case, direct that FIR No.155 dated 17th November 2001 P.S. Kotwali, Amritsar and all proceedings connected therewith shall be deemed to be quashed."

In view of what has been discussed here-in-above, this petition is allowed and FIR No. 100 dated 02.08.2019 registered under Sections 363 and 366-A IPC at Police Station Nangal, District Rupnagar and all consequential proceedings arising therefrom, are ordered to be quashed qua the petitioner.

16.09.2024
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(NIDHI GUPTA)
JUDGE

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