



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-11135-2024

Date of Decision:24.05.2024

Monu and another

.... Petitioners

Versus

State of Haryana and another

.... Respondents

BEFORE: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Kamal Chaudhary, Advocate for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Ankur Jain, Advocate for respondent No.2.

NIDHI GUPTA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 342 dated 11.10.2018 (Annexure P-1) registered under Sections 323, 342, 452, 506, 509, 34 of IPC and 12/17 of POCSO Act, 2012, at Police Station City Sohana, District Gurugram and all consequential proceedings arising therefrom, on the basis of compromise/sworn-in affidavit of the complainant/respondent No.2 dated 27.04.2022 (Annexure P-3) effected between the parties.

Pursuant to the order dated 04.03.2024 passed by this Court, the parties appeared before the learned Additional Sessions Judge, Fast Track Special Court for the offences under P.O.C.S.O. Act, 2012, Gurugram to get their statements recorded. Learned Additional Sessions Judge, Fast Track Special Court for the offences under P.O.C.S.O. Act, 2012, Gurugram has submitted her report along with statements of the parties vide letter dated 12.04.2024 duly forwarded by the learned



District & Sessions Judge, Gurugram.

A perusal of the above said report would show that total two accused namely Monu son of Prem Chand and 'G' (step-mother of victim child) have been arrayed as accused in the FIR. Two other accused namely Raju and Pappu were also found involved in the present case and investigation against them is still pending. The petitioners, respondent No. 2 and father of 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 or undue influence. The remaining two accused namely Raju and Pappu are not party to the compromise.

Learned counsel for the petitioners submits that as per report, the petitioners and respondent No.2 are the only party to the compromise and have never been declared as proclaimed offenders. They are not involved in any other case.

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

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

After perusing the report submitted by the learned Additional Sessions Judge, Fast Track Special Court for the offences under P.O.C.S.O. Act, 2012, Gurugram, this Court finds that the matter has been amicably settled between the petitioners and respondent No. 2. 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. 342 dated 11.10.2018 (Annexure P-1) registered under Sections 323, 342, 452, 506, 509, 34 of IPC and 12/17

of POCSO Act, 2012, at Police Station City Sohana, District Gurugram and all consequential proceedings arising therefrom, on the basis of compromise/sworn-in affidavit of the complainant/respondent No.2 dated 27.04.2022 (Annexure P-3), are ordered to be quashed qua the petitioners.

24.05.2024

Divyanshi

(NIDHI GUPTA)

JUDGE

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