

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

286

CRM-M-9351-2023 (O&M)

Date of decision: 07.02.2024

KULJINDER SINGH

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Ishan Gupta, Advocate
for the petitioner.

Mr. Amish Sharma, AAG, Punjab.

Ms. Harita, Advocate for
Mr. Gagandeep Singh, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.115 dated 11.07.2019 registered at Police Station Sadar Sangrur, District Sangrur under Section 376 IPC on the basis of compromise deed dated 10.02.2023 (Annexure P-1) effected between the parties.

[2] Learned counsel for the petitioner *inter alia* contends that the petitioner and respondent No.2 were in a relationship and were willing to marry each other. However, marriage of the petitioner and respondent No.2 was not acceptable to their parents due to inter caste issue and they could not get married. He further contends that the present FIR was registered at the instance of respondent No.2 under the compelled circumstances but now the matter has been settled and written compromise deed dated 10.02.2023 (Annexure P-1) has been executed between the parties. He submits that the complainant-respondent No.2

has got married with Harmanjit Singh resident of Village Deh Kalan, District Sangrur. He further submits that even the petitioner also got married and have two children out of his wedlock. He submits that parties have agreed to maintain a healthy relationship, as such respondent No.2 does not want to take any action in the present FIR. He has relied upon judgment dated 07.07.2023 passed by the Division Bench of Bombay High Court in ***Criminal Application (APL) No.801 of 2023*** titled ***Moh. Abdul Rafique Khan vs. State of Maharashtra and others*** to support his submissions where the FIR was quashed though the offence was about rape.

[3] Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties.

[4] As per order dated 22.02.2023 passed by the Coordinate Bench of this Court, the parties were directed to appear before the Illaqa Magistrate/Duty Magistrate for recording of their statements and the report from the said Court was sought regarding genuineness of the compromise.

[5] As per the report dated 31.03.2023 of Court of Ms. Lavleen Sandhu, Judicial Magistrate 1st Class, Sangrur statements of petitioner and complainant-respondent No.2 as well as Investigating Officer-Inspector Rakesh Kumar have been recorded. No accused has been declared as Proclaimed Offender in this case. She has submitted that the compromise is genuine and voluntary without any force or undue influence. No case is pending against the petitioner except the present case. There is only one victim/complainant and the compromise is supported by her.

[6] Learned State counsel has not raised any objection regarding the acceptance of the present petition. He submits that the challan has been presented

on 03.02.2021 and charges have also been framed on 24.03.2021. He further submits that there are total 22 prosecution witnesses and none has been examined so far.

[7] Hon'ble the Full Bench of this Court in Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052, has held that the High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offences and quash the proceeding where the High Court is of the opinion that it is required to prevent the abuse of process of law or otherwise to secure the ends of justice.

[8] Both the petitioner and respondent No.2 are now settled with their respective spouses. Now they want to end their dispute and they have entered into a compromise, which is with their free consent. Since the matter has been settled between the parties and the parties have buried the hatchet and given quietus to the matter, as such, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed and it would be suitable to exercise jurisdiction under Section 482 of the Code of Criminal Procedure, 1973.

[9] Consequently, this petition is allowed and FIR No.115 dated 11.07.2019 registered at Police Station Sadar Sangrur, District Sangrur under Section 376 IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[10] All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

07.02.2024

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No