

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-12320-2016

Date of Decision: April 18, 2024

Ankush and another

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Siddharth Gupta, Advocate for the petitioners.

Ms. Aakanksha Gupta, AAG., Punjab
for respondent No.1.

Mr. J. S. Virk, Advocate for respondent No.2.

NIDHI GUPTA, J. (ORAL)

1. The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 69 dated 11.05.2015 (Annexure P-1) registered under Sections 354, 354A, Section 34 IPC and Section 8 of Protection of Children from sexual offences Act at Police Station Civil Lines Bathinda, District Bathinda and all the consequential proceedings arising therefrom, on the basis of compromise dated 15.05.2015 (Annexure P-2) effected between the parties.

2. Learned counsel for the petitioners submits that initially vide order dated 04.09.2018 a co-ordinate Bench of this Court had directed the parties to appear before the learned trial court/Illaq Magistrate to record their statements in the aforementioned FIR. It is stated that however, at that stage the victim was a minor, therefore the statements could not be recorded. Thereafter, as per directions of this Court the victim had appeared before this Court on 08.04.2019 and at that time the victim had attained majority. The accused petitioner as also the complainant/parents of the victim and the victim were directed to appear before the Illaq Magistrate for recording their statements.

3. It is stated that pursuant thereto the accused-petitioner as also the complainant have appeared before the learned Illaqa Magistrate on 23.04.2019 and got their statements recorded. Learned Judicial Magistrate Ist Class, Bathinda, has submitted his report along with copies of statements of the parties vide letter dated 23.04.2019 duly forwarded by the learned District and Sessions Judge, Bathinda.

4. A perusal of the above said report would show that the petitioners and respondent No.2 have appeared and suffered statements with respect to the compromise, which have been found to be without any pressure, coercion, threat or undue influence.

5. Learned counsel for the petitioners submits that as per report, petitioners are the only accused persons in the present FIR and have never been declared as proclaimed offenders.

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

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

8. After perusing the report submitted by the learned Judicial Magistrate Ist Class, Bathinda, 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.

9. 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.

10. 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.”

11. In view of what has been discussed here-in-above, this petition is allowed and FIR No. 69 dated 11.05.2015 (Annexure P-1) registered under Sections 354, 354A, Section 34 IPC and Section 8 of Protection of Children from sexual offences Act at Police Station Civil Lines Bathinda, District Bathinda and all the consequential proceedings arising therefrom, on the basis of compromise dated 15.05.2015 (Annexure P-2) effected between the parties are ordered to be quashed qua the petitioners.

18.04.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No