

CRM-M-10401-2024

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2024:PHHC:061424

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-10401-2024

Date of Decision: 03.05.2024

Indras Singh

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Rhythem Bajaj, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Vishal Sharda, Advocate for respondents No. 2 and 3.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 93 dated 14.12.2022 (Annexure P-1) registered under Sections 363 and 366A IPC at Police Station Sadar Abohar, District Fazilka and all the consequential proceedings arising therefrom, on the basis of compromise dated 12.02.2024 (Annexure P-2).

Pursuant to the order dated 28.02.2024 passed by this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Abohar, to get their statements recorded. Learned Judicial Magistrate Ist Class, Abohar, has submitted his report along with copies of statements of the parties vide letter dated 08.04.2024 duly forwarded by the learned District and Sessions Judge, Fazilka.

A perusal of the above said report would show that the petitioner and respondents No. 2 and 3 have appeared and suffered statements with respect to the compromise which have been found to be

genuine, voluntary and without any coercion or undue influence and out of free will.

Learned counsel for the petitioner submits that petitioner and respondent No. 3/prosecutrix were in a consensual relationship. At the time of occurrence, respondent No. 3/prosecutrix was 17 years and 06 months old. The prosecutrix, after attaining the majority had solemnized marriage with the petitioner on 11.12.2022 i.e., prior to filing of the FIR by respondent No. 2. Both the petitioner and respondent No. 3/prosecutrix are residing happily as husband and wife. Due to some misapprehension on the part of respondent No. 2/complainant/father of the prosecutrix, the present FIR was lodged against the petitioner. Now better sense has prevailed between the parties and in order to live peacefully, the parties have entered into a compromise dated 12.02.2024 (Annexure P-2) according to which, both the parties have agreed not to proceed further with the FIR in question. It is also submitted that the petitioner is the only accused in the present case, and he has never been declared as proclaimed offender.

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 Judicial Magistrate Ist Class, Abohar, this Court finds that the matter has been amicably settled between the petitioner and respondent Nos. 2 and 3. 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. 93 dated 14.12.2022 (Annexure P-1)

registered under Sections 363 and 366A IPC at Police Station Sadar Abohar, District Fazilka and all the consequential proceedings arising therefrom, on the basis of compromise dated 12.02.2024 (Annexure P-2), are ordered to be quashed qua the petitioner.

03.05.2024
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(NIDHI GUPTA)
JUDGE

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