



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-12579-2024 (O&M)

Date of Decision: 05.08.2024

Gurdeep Singh and another

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Dr. Sumati Jund, Advocate for the petitioners.

Ms. Aakanksha Gupta, Assistant Advocate General, Punjab.

Mr. Pankaj Gupta, Advocate
for respondents No.2 and 3.

NIDHI GUPTA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing of FIR No.22 dated 25.03.2022 (Annexure P-1) registered under Sections 354, 364, 341, 34 and Sections 376-D and 506 IPC (added later on) at Police Station Sadar Kurali, District S.A.S. Nagar and all subsequent proceedings arising therefrom, on the basis of Affidavit-cum-Compromise Deed dated 09.02.2024 (Annexures P-2 to P-4).

Pursuant to the order dated 20.04.2024 passed by this Court, the parties appeared before the learned Additional Sessions Judge-cum-Judge Special Court, SAS Nagar, Mohali, to get their statements recorded. Learned Additional Sessions Judge-cum-Judge Special Court,



SAS Nagar, Mohali has submitted his report along with statements of the parties vide letter dated 08.05.2024 duly forwarded by the learned District and Sessions Judge, S.A.S. Nagar on 09.05.2024.

A perusal of the above said report would show that the petitioners and respondents No. 2 and 3 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.

Learned counsel for the petitioners *inter alia* submits that although, one of the offence under Section 376-D IPC as mentioned in the present FIR was added lateron, but the said offence is not made out, as it is admitted by respondents No. 2 and 3 that petitioner No. 1- Gurdeep Singh and respondent No. 3/victim have solemnized marriage on 20.03.2022. It is submitted that at the time of marriage both the petitioner No. 1 and respondent No. 3 were major. It is submitted that thereafter, the relationship between them has gone into rough weather, as a result of which the present FIR was lodged only after 05 days of marriage i.e. on 25.03.2022. Now, better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise/affidavits dated 09.02.2024 (Annexures P-2 to P-4, respectively), according to which, both the parties have agreed not to proceed further with the FIR in question. Further, it is submitted that petitioner No. 1 and respondent No. 3 have also filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955, for divorce by way of mutual consent, wherein first motion statements of the parties have



already been recorded on 29.02.2024 and the next date for recording second motion statement of the parties is 30.08.2024.. The petitioners and respondents No.2 and 3 are the only party to the compromise and have never been declared as proclaimed offenders. There is no other criminal case pending against the petitioners.

Learned counsel for the petitioners relies upon the following judgments to support her contentions:-

- 1) *Talwinder Singh @ Laddi and another vs. State of Punjab and another, Law Finder Doc Id # 144981*
- 2) *Harpal Singh @ Soni vs. State of Haryana and others, Law Finder Doc Id # 145153*
- 3) *Surinder Kamboj and others vs. State of Punjab and another, Law Finder Doc Id # 132784*
- 4) *Imran and others vs. State and another, 2021 SCC OnLine Del 226*
- 5) *Rupinder Karwasa vs. State of H.P. and others, Law Finder Doc Id # 1875786.*

Learned State counsel has stated that she 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 Additional Sessions Judge-cum-Judge Special Court, SAS Nagar, Mohali, this Court



finds that the matter has been amicably settled between the petitioners and respondents No. 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.

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 offence is under Section 376-D IPC, which is an offence of grave nature. In the eyes of law, the offence of rape is serious and non-compoundable 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 and on fear of the society and pressure from the community one party alleges rape, cases where the accused and the victim are well known to each other and allegation of rape is levelled only because the accused refused to marry, as well as the age, educational maturity and the mental capacity, sequences of the same ought to be kept in mind when inclined to interfere. In the instant case, the present FIR was registered at the instance of respondent No.2-mother of the alleged victim. However, with the intervention of respectables, a compromise has also been entered into between them whereby it is decided by the complainant that the FIR would not be pursued.

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.

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.”

8. 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 paragraphs of the said judgment are 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.”

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.22 dated 25.03.2022 (Annexure P-1) registered under Sections 354, 364, 341, 34 and Sections 376-D and 506 IPC (added later on) at Police Station Sadar Kurali, District S.A.S. Nagar and all subsequent proceedings arising therefrom, on the basis of



Affidavit-cum-Compromise Deed dated 09.02.2024 (Annexures P-2 to P-4), are ordered to be quashed qua the petitioners.

Pending application, if any, stands disposed of.

05.08.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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