



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-13794-2024

Date of Decision: 20.05.2024

Ashish Kumar

.... Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Sandeep Singh, Advocate for the petitioner.

Mr. Aditya Pal Singla, A.A.G., Haryana.

Ms. Jasleen Kaur, Advocate for respondent No.3.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 494 dated 19.12.2017 (Annexure P-1) registered under Sections 376(2), 328, 449 IPC and Section 6 of POCSO registered at Police Station Dadri City, Charkhi Dadri alongwith all consequential proceedings arising therefrom in view of the fact that the petitioner had solemnized marriage with the alleged victim/respondent No. 3 herein, as is evident from marriage certificate (Annexure P-3).

Pursuant to the order dated 10.04.2024 passed by this Court, the parties appeared before the learned Judicial Magistrate 1st Class, Charkhi Dadri, to get their statements recorded. Learned Judicial



Magistrate 1st Class, Charkhi Dadri has submitted her report along with statements of the parties vide letter dated 03.05.2024 duly forwarded by the learned District and Sessions Judge, Bhiwani on 04.05.2024.

A perusal of the above said report would show that the petitioner and respondent No. 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. The present petitioner is the only party to the compromise and has never been declared as proclaimed offender.

Learned counsel for the petitioner submits that the petitioner and respondent No. 3 have solemnized marriage on 06.10.2022, as is evident from marriage certificate (Annexure P-3). They are living together happily as husband and wife.

Learned State counsel submits that the factum of marriage of the petitioner with respondent No.3 has also been verified by the Marriage Registrar, Ghaziabad (Uttar Pradesh) vide letter No. 291 dated 06.04.2024 and 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 1st Class, Charkhi Dadri, this Court finds that the matter has been amicably settled between the petitioner and respondent No.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. 494 dated 19.12.2017 (Annexure P-1) registered under Sections 376(2), 328, 449 IPC and Section 6 of POCSO registered at Police Station Dadri City, Charkhi Dadri alongwith all

consequential proceedings arising therefrom in view of the fact that the petitioner had solemnized marriage with the alleged victim/respondent No. 3 herein, as is evident from marriage certificate (Annexure P-3), are ordered to be quashed qua the petitioner.

20.05.2024

Divyanshi

(NIDHI GUPTA)

JUDGE

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