

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-14518-2024 (O&M)

Date of Decision: 01.08.2024

Harsh Sharma

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Mohit Vashishat, Advocate for the petitioner.

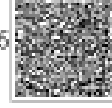
Ms. Rishu Madan, AAG, Punjab.

Mr. R.S. Chugh, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 41 dated 03.02.2020 (Annexure P-1) registered under Sections 363 and 366A IPC at Police Station City Sangrur, District Sangrur and all consequential proceedings arising therefrom, on the basis of compromise dated 12.03.2024 (Annexure P-2) arrived at between the parties.

Pursuant to the order dated 18.04.2024 passed by this Court, the parties have appeared before the learned Chief Judicial Magistrate, Sangrur to get their statements recorded. Learned Chief Judicial Magistrate, Sangrur, has submitted his report along with copies

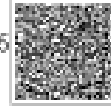


statements of the parties vide letter dated 04.05.2024 duly forwarded by the learned I/c District and Sessions Judge, Sangrur.

A perusal of the above said report would show that the petitioner and respondents No. 2 and 3 have appeared before the learned trial Court and suffered statements with respect to the compromise which have been found to be genuine, voluntary and without any coercion and undue influence.

Learned counsel for the petitioner, *inter alia*, submits that the petitioner and the victim have solemnized marriage on 03.01.2021 as is evident from marriage certificate (Annexure A/1) attached with CRM-15741-2024. It is submitted that in the last order dated 22.03.2024, it has been incorrectly mentioned that the petitioner and the victim have solemnized marriage in the year 2020. It is stated that this is not so as is evident from marriage certificate (Annexure A/1). The present FIR was registered due to some misunderstanding between the parties. Now the marriage has been solemnized and vide compromise dated 12.03.2024 (Annexure P-2), compromise has been effected between the complainant and the petitioner. Further, it is submitted that only the present petitioner was named as accused in the FIR and he has never been declared as proclaimed offender.

Learned State counsel as well as learned counsel for respondents No. 2 and 3 have not disputed the aforesaid submissions of learned counsel for the petitioner and have stated that they have 'no objection' in case the FIR is quashed on the basis of compromise qua the

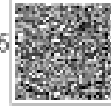


petitioner.

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

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 offences complained of, are under Sections 363 and 366A IPC which no doubt are non-compoundable offences and are of grave nature 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. In the instant case, the petitioner and the victim/respondent No. 3 herein were known to each other and now they have solemnized marriage with each other on 03.01.2021, as is evident from marriage certificate (Annexure A-1). Moreover, with the intervention of respectables, a compromise has also been entered into between them whereby it is decided by respondents No. 2 and 3 that the FIR would not be pursued.

After perusing the report submitted by the learned Chief Judicial Magistrate, Sangrur, this Court finds that the matter has been amicably settled between the petitioner 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.



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. 41 dated 03.02.2020 (Annexure P-1)



registered under Sections 363 and 366A IPC at Police Station City Sangrur, District Sangrur and all consequential proceedings arising therefrom, on the basis of compromise dated 12.03.2024 (Annexure P-2) arrived at between the parties, are ordered to be quashed qua the petitioner.

Pending application(s), if any, also stand disposed of.

01.08.2024
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(NIDHI GUPTA)
JUDGE

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