



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

227

CRM-M-16462-2019

Date of Decision: 19.09.2024

Piyush Pankaj

.... Petitioner

Versus

State of Haryana and another

.... Respondents

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. Naresh Kumar, Advocate for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

None for respondent No. 2.

**NIDHI GUPTA, J. (ORAL)**

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of order dated 07.08.2008 (Annexure P-1) passed by the learned Chief Judicial Magistrate, Kaithal under Section 156(3) Cr.P.C. as well as FIR No. 410 dated 29.08.2008 (Annexure P-2) registered under Sections 363,365, 366 and 120-B IPC at Police Station City Kaithal, District Kaithal and all subsequent/consequential proceedings, **on merits**.

Learned counsel for the petitioner, *inter alia*, submits that the petitioner has been falsely implicated in the present case by the complainant/respondent No. 2 herein. The aforesaid FIR (Annexure P-2) was registered on the basis of statement made by respondent No. 2/mother of the victim. The date of birth of the victim is 30.10.1986 as is evident from her Birth Certificate dated 24.09.2008 (Annexure 5/2); as such, on the date of registration of FIR, she was 19 years of age. The



petitioner and the victim were in a consensual relationship and they have solemnized married on 06.06.2014, as is evident from marriage certificate of even date (Annexure P-5/1) and photographs (Annexure P-5/3). It is stated that both the petitioner and the victim are residing together happily as husband and wife since the year 2014 and even prior to that as well.

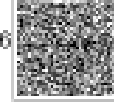
On instructions from ASI Parveen, learned counsel for the State points out that after completion of investigating untraced report dated 15.12.2009 has been presented before the learned Chief Judicial Magistrate, Kaithal and whereupon following order (Annexure P-3) was passed:-

*“Untraced report presented today. It be ched and registered the statement of the complainant recorded. She is not satisfied with the report submitted by the police. Heard. On perusal of the report it transpires that the daughter of the complainant namely, Mukesh have himself ran away alongwith Piyush @ Pankaj and FIR was lodged against Pankaj @ Piyush as well as father of Pankaj. However, during investigation Som Dutt was found innocent. Whereas Pankaj and daughter of the complainant could not be traced out despite adequate efforts, therefore, in this circumstances the untraced report is accepted as the complainant herself is not aware of the whereabouts of her daughter and the accused. File be consigned to the office of the superintendent of police, Kaithal. However, file be summoned again if accused was found or arrested in the present case.”*

Learned counsel for the State admits the fact that the victim was 19 years of age in the year 2008.

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 which are heinous in nature and against the public are involved. 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/daughter of respondent No. 2-complainant herein were in a consensual relationship and the family of victim were against their relationship. The alleged victim had solemnized marriage with the petitioner on 06.06.2024, as is evident from marriage certificate of even date and photographs (Annexures P-5/1 and P-5/3, respectively); and currently they both are residing together happily as husband and wife.

Since the petitioner and the alleged victim have solemnized marriage and are residing happily as husband and wife, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

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.*

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*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.”*

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 paragraph of the said judgment is 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.”*

In view of what has been discussed here-in-above, this petition is **allowed** and the order dated 07.08.2008 (Annexure P-1) passed by the learned Chief Judicial Magistrate, Kaithal under Section 156(3) Cr.P.C., as well as FIR No. 410 dated 29.08.2008 (Annexure P-2) registered under Sections 363,365, 366 and 120-B IPC at Police Station City Kaithal, District Kaithal and all subsequent/consequential proceedings, are ordered to be quashed qua the petitioner.

**19.09.2024**  
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**( NIDHI GUPTA )**  
**JUDGE**

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|----------------------------------|---------------|
| <b>Whether speaking/reasoned</b> | <b>Yes/No</b> |
| <b>Whether Reportable</b>        | <b>Yes/No</b> |