

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

204

CRM-M-27572-2022

Date of Decision: 06.03.2024

Angrej and another

.... Petitioners

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Surinder Gaur, Advocate for the petitioners.

Mr. Surinder Dagar, DAG, Haryana.

Mr. Karan Singh, Advocate for
Mr. Bhisham Kumar, Advocate
for respondent No.2/complainant.

NIDHI GUPTA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing FIR No. 344 dated 22.05.2019 registered under Section 363, 366-A, 376(2)(n), 506 IPC and Section 6 of POCSO Act, at Police Station City Rohtak (later on while presenting the challan Section 376(2)(n), 506 IPC and Section 6 of POCSO Act have been added) and the subsequent proceedings arising thereto on the basis of statements 18.01.2021 (Annexure P-4) and (P-5) recorded by respondent No. 2 and petitioner No. 2 and affidavits of petitioner No. 2 and respondent No. 2 both dated 08.06.2022 (Annexures P-6 and P-7).

Learned counsel for the petitioner *inter alia* submits that the FIR in the present case was registered on the statement of respondent No.

2 who is uncle of the alleged victim/petitioner No. 2 herein. It is submitted that at the time of incident, petitioner No. 2 was about 16 years of age. It is stated that thereafter the petitioner No. 1 and petitioner No. 2/victim had also solemnized marriage on 24.02.2021 (Annexure P-2) and they have also been blessed with a daughter and are living happily together. Pursuant to the order dated 28.06.2022 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Additional Sessions Judge, POCSO Court, Rohtak to get their statements recorded. Learned Additional Sessions Judge, POCSO Court, Rohtak, has submitted his report along with statements of the parties vide letter dated 11.07.2022.

A perusal of the above said report would show that the petitioners and respondent No. 2 have appeared and suffered statements with respect to the compromise-cum-affidavits both dated 08.06.2022 filed by petitioner No. 1 and respondent No.2, which have been found to be valid, genuine, voluntary and without any coercion or undue influence.

Learned State counsel has stated that he 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 learned Additional Sessions Judge, POCSO Court, Rohtak, this Court finds that the matter has been amicably settled between the petitioners and

respondent No. 2. 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.

Consequently, in view of the judgment of the Hon'ble Supreme Court in the case of ***Madan Mohan Abbot vs. State of Punjab*** 2008(2) RCR (Criminal) 429 and 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. 344 dated 22.05.2019 registered under Section 363, 366-A, 376(2)(n), 506 IPC and Section 6 of POCSO Act, at Police Station City Rohtak (later on while presenting the challan Section 376(2)(n), 506 IPC and Section 6 of POCSO Act have been added) and the subsequent proceedings arising thereto on the basis of statements 18.01.2021 (Annexure P-4) and (P-5) recorded by respondent No. 2 and petitioner No. 2 and affidavits of petitioner No. 2 and respondent No. 2 both dated 08.06.2022 (Annexures P-6 and P-7) are ordered to be quashed qua the petitioners.

06.03.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No