

2024:PHHC:059956
**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-44217-2023
Date of order: 01.05.2024

Rakesh Kumar **....Petitioner**

Versus

State of Haryana and another **....Respondents**

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Govind Chauhan, Advocate for the petitioner.
Mr. Surinder Kumar Dagar, DAG, Haryana.
Mr. Vishal Pundir, Advocate for respondent No.2.

Nidhi Gupta, J. (Oral)

Prayer in the present petition under Section 482 of the Code of Criminal Procedure is for quashing of FIR No.191 dated 23.07.2023 (Annexure P/1) under Sections 354-D and 506 IPC and Section 8 of POCSO Act (Sections 10 & 12 of POCSO Act and Section 354 IPC were added later on by substituting Section 8 of POCSO Act) registered at Police Station Nissing, District Karnal and all other consequential proceedings arising therefrom on the basis of affidavit of respondent No.2/complainant as well as Panchayati Compromise both dated 22.08.2023 (Annexures P-2 & P-4 respectively) arrived at between the parties.

Vide order dated 05.02.2024, this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 21.02.2024 for getting their statements recorded in terms of certain parameters given in the aforesaid order with regard to the compromise by way of affidavit of respondent No.2/complainant as well as Panchayati Compromise both dated 22.08.2023

In terms of the order dated 05.02.2024 passed by this Court, parties have appeared before the Court of learned Additional Sessions Judge, Fast Track Special Court (POCSO), Karnal to get their statements recorded. Learned Additional Sessions Judge, Fast Track Special Court (POCSO), Karnal has submitted her report dated 27.02.2024 along with the statements of the parties, which was duly forwarded by the learned District & Sessions Judge, Karnal to this Court.

A perusal of the above said report would show that the parties (i.e. petitioner and respondent No.2) have appeared and suffered their statements with respect to the compromise, which have been found to be voluntary, genuine, and without any coercion or undue influence.

Learned counsel for the petitioner submits that as per the report, the compromise that has been effected between the parties is genuine, voluntary and without any pressure/coercion or undue influence. Learned counsel further states that as per the report, neither the petitioner is involved in any other criminal case nor is he declared proclaimed offender in the present case.

Learned State counsel states that he has no objection in case the FIR is quashed on the basis of affidavit of respondent No.2/complainant as well as Panchayati Compromise both dated 22.08.2023 (Annexures P-2 & P-4) qua the petitioner.

Learned counsel for respondent No.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the parties.

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

After perusing the report submitted by the learned Additional Sessions Judge, Fast Track Special Court (POCSO), Karnal, this Court finds that the matter has been amicably settled between the petitioner 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.

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 hereinbelow:-

“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 hereinabove, the present petition is **allowed** and FIR No.191 dated 23.07.2023 (Annexure P/1) under Sections 354-D, 506 IPC and Section 8 of POCSO Act (Sections 10 & 12 of POCSO Act and Section 354 IPC were added later on by substituting Section 8 of POCSO Act) registered at Police Station Nissing, District Karnal along with all other consequential proceedings arising therefrom on the basis of affidavit of respondent No.2/complainant as well as Panchayati Compromise both dated 22.08.2023 (Annexures P-2 & P-4 respectively) is ordered to be quashed qua the petitioner.

(Nidhi Gupta)
Judge

01.05.2024
'Amit'

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>