

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

225

CRM-M-46032-2023

Date of Decision:02.05.2024

Som Nath

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Mikhail Kad, Advocate for the petitioner.

Ms. Aakansha Gupta, A.A.G., Punjab.

Mr. Arshdeep Singh, Advocate for
Mr. Malkiat S. Hundal, Advocate
for respondents No. 2 and 3.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 0281 dated 29.12.2021 registered under Sections 363, 366-A of IPC, 1860 and Sections 9, 10 of POCSO Act, 2012 at Police Station City Sunam, District Sangrur and all other consequential proceedings arising therefrom, on the basis of compromise dated 25.07.2023 (Annexure P-5) arrived at between the parties.

Pursuant to the order dated 05.02.2024 passed by this Court, the parties appeared before the learned Sub-Divisional Judicial Magistrate, Sunam, to get their statements recorded. Learned Sub-Divisional Judicial Magistrate, Sunam, has submitted his report along with statements of the parties vide letter dated 23.02.2024 duly forwarded by the learned District & Sessions Judge, Sangrur on 26.02.2024.

A perusal of the above said report would show that the

petitioner and respondents No. 2 and 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.

Learned counsel for the petitioner submits that the marriage between the petitioner and respondent No.3 was solemnized in the year 2022. One female child, namely Parneet Kaur, is born on 17.10.2022. The petitioner and respondent No. 3 are living happily together. He further submits that as per report, the petitioner is the only party to the compromise and has never been declared as proclaimed offender.

Learned State counsel has stated that 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 Sub-Divisional Judicial Magistrate, Sunam, 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. 0281 dated 29.12.2021 registered under Sections 363, 366-A of IPC, 1860 and Sections 9, 10 of POCSO Act, 2012 at Police Station City Sunam, District Sangrur and all other consequential proceedings arising therefrom, on the basis of compromise dated 25.07.2023 (Annexure P-5), are ordered to be quashed qua the petitioner.

02.05.2024

Divyanshi

**(NIDHI GUPTA)
JUDGE**

**Whether speaking/reasoned
Whether Reportable**

**Yes/No
Yes/No**