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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-17804-2025(O&M)**

Date of Decision : 28.04.2025

SAURAV KADYAN

.....Petitioner

Versus

STATE OF UT CHANDIGARH AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPresent: Mr. Manoj Chahal, Advocate
for the petitioner.Mr. Shubham Mangla, Addl. PP, UT Chandigarh
(on instructions from Inspector Narender Singh).

Mr. T.T.P.Singh, Advocate for respondent No.2 .

KIRTI SINGH, J.(Oral)

1. The present petition has been filed under Section 528 of BNSS for quashing of FIR No.166, dated 29.10.2024, registered under Sections 376(2)(n) of IPC registered at Police Station Sector 39, Chandigarh and all other consequential proceedings arising therefrom on the basis of compromise dated 24.03.2025 (Annexure P-2) effected between the parties.

2. Learned counsel for the petitioner relies upon a judgment of the Hon'ble Supreme Court in Kapil Gupta Vs. State of N.C.T. of Delhi and another, 2022 (4) RCR (Crl.) 497, to contend that FIR under Section 376 of IPC (now Section 64 of Bharatiya Nyaya Sanhita, 2023) can be quashed on the basis of compromise. Learned counsel has further relied upon a judgment of this Court in Karan Sharma Vs. State of Haryana and another, 2021(1) Law Herald 149 and contends that once the parties have compromised the matter and decided to live in



peace, no useful purpose will be served in allowing the criminal proceedings to continue.

3. Heard learned counsel for the parties and also gone through the case file.

4. This Court while directing the parties to appear before the Area Magistrate/trial Court for recording their statements with regard to the compromise, passed the following order on 01.04.2025:-

“This petition has been filed for quashing of FIR No.166 dated 29.10.2024 under Sections 376(2)(n) IPC registered at Police Station Sector 39, Chandigarh along with all consequential proceedings arising therefrom, on the basis of compromise dated 24.03.2025 (Annexure P2) arrived at between the parties.

Learned counsel for the petitioner submits that the petitioner was falsely implicated in the present case on the allegation that the petitioner established physical relations with respondent No.2 on the false pretext of marriage. It is the submission of the learned counsel that the entire relationship between the parties was consensual in nature. It is further submitted that both parties are mature and well qualified, and want to focus on their respective lives and that the matter now stands compromised between the parties, factum of which is evincible from the compromise deed dated 24.03.2025 (Annexure P2).

Notice of motion.

Mr. Shubham Mangla, Addl. PP, UT Chandigarh accepts notice on behalf of respondent No.1-State and Mr. T.T.P Singh, Advocate, accepts notice on behalf of respondent No.2 and has filed his vakalatnama. The same is taken on record. He has admitted the factum of compromise effected between the parties.

The parties are directed to appear before the trial Court/Illaq/Duty Magistrate on 08.04.2025 or any other future date as per its convenience or on request of the parties for getting their statements recorded with regard to the compromise. The trial Court/Illaq/Duty Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/proclaimed person, in the case;*
- 2. The name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. The stage of the trial/proceedings pending;*
- 4. If, the compromise is genuine, voluntary and out of free will of the parties;*
- 5. Whether any other criminal case pending against the accused.*

Report of the trial Court/Illaq/Duty Magistrate be awaited for 28.04.2025.”

5. Pursuant to the aforesaid order, report dated 09.04.2025 has been received from the Additional District & Sessions Judge-cum-Judge, Fast Track Special Court, Rape & POCSO Cases, Chandigarh. A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between them and they have



no objection in case the FIR in question is quashed. The compromise effected between them is genuine, without any undue influence and coercion.

6. The Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court is of the view that the same was 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.

7. Hon'ble the Supreme Court in the case of ***Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543***, had 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 reads thus:-

“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.

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8. In view of the compromise, the ratio of law laid down by the Hon'ble Supreme Court in ***Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834 and Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.)***



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and others (1980) 1 SCC 63 and Full Bench of this Court in Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Cr1.) 1052 and perusing the report of the trial Court regarding amicable settlement between the petitioners and the complainant, this Court finds that quashing the FIR will accord a quietus to all disputes between the parties and it is in the interest of both sides to bury the hatchet and lead a peaceful life. Thus, no useful purpose would be served in continuing the proceedings and in order to secure the ends of justice, the criminal proceedings in the present case deserve to be quashed.

9. Resultantly, the present petition is allowed and FIR No.166, dated 29.10.2024, registered under Sections 376(2)(n) of IPC registered at Police Station Sector 39, Chandigarh and all other consequential proceedings are quashed qua the petitioner on the basis of the compromise dated 24.03.2025 (Annexure P-2), **subject to payment of Rs.20,000/- to be deposited in the Poor Patient Welfare Fund, PGIMER, Chandigarh within a period of one month.**

10. Pending miscellaneous application(s), if any, also stands disposed of.

28.04.2025

Kavita Nain

**(KIRTI SINGH)
JUDGE**

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No