



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-37119-2024 (O&M)
Date of decision: 13.01.2025**

Ankit and others

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jayant Yadav, Advocate for the petitioners.

Mr. Kiran Pal Singh, AAG, Haryana for respondent No.1.

Mr. Abhinav, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for quashing of FIR No.0173 dated 21.07.2022 (P-1), under Sections 9, 10, 11 & 15 of the Child Marriage Prohibition Act, 2006, registered at Police Station City Safidon, District Jind along with all consequential proceedings arising therefrom *qua* the petitioners on the basis of compromise dated 19.07.2024 and affidavit dated 19.07.2024 of complainant (P-3 & P-4, respectively).

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(2) Above FIR was registered by respondent No.2-Yogita Devi with the allegations that her marriage was solemnized forcibly with petitioner No.1-Ankit on 07.07.2022 while she was only 17 ½ years old without her consent by Manoj (father of complainant) and Dinesh (father of Ankit).

(3) The Coordinate Bench, while issuing notice of motion on 02.08.2024, passed the following order:-

“The Prayer in this petition under Section 528 of BNSS is for the quashing of the FIR No.0173 dated 21.07.2022 under Sections 9, 10, 11, 15 of Child Marriage Prohibition Act, 2006 registered at P.S. Safidon, District Jind and all other consequential proceedings arising therefrom, on the basis of compromise dated 19.07.2024 (Annexure P-3) and affidavit of complainant-respondent no.2 dated 19.7.2024 (Annexure P-4) entered into between the parties.

Learned counsel for the petitioners submits that in order to live peacefully, parties have entered into Compromise dated 19.07.2024 (Annexure P-3) and affidavit of complainant-respondent no.2 dated 19.7.2024 (Annexure P-4) according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion for 07.01.2025.

Mr. Praveen Kumar Aggarwal, Deputy Advocate General, Haryana accepts notice on behalf of respondent no.1-State of Haryana whereas Mr. Abhinav, Advocate accepts notice on behalf of respondent no.2 and has filed his power of attorney. He does not dispute the above said compromise, which has been arrive at between the parties, according to which,

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complainant does not wish to press the allegations alleged in the complaint any further.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaqa Magistrate for recording of their statements on 21.11.2024 with regard to the compromise dated 19.07.2024 (Annexure P-3) and affidavit of complainant-respondent no.2 dated 19.7.2024 (Annexure P4) by moving an appropriate application or by presenting this order. The Trial Court/Illaqa Magistrate is directed to submit the report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and*
- 5. The statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court;*
- 6. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainant as well as accused are party to the compromise in question.*

The petitioners shall deposit a cost of Rs.25,000/- (collectively) with the Punjab and Haryana High Court Employees Welfare Association Account No.37167209613, IFSC Code SBIN0050306, State Bank of India, High Court Branch, Chandigarh on or before the date of recording of

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their statements and produce the receipt of the same to the Trial Court/Illaqa Magistrate.

In the meantime, further proceedings before the Trial Court shall remain stayed.”

(4) In terms of aforesaid order, statements of both the parties were recorded by learned Sub Divisional Judicial Magistrate, Safidon and submitted a report dated 04.01.2025. The operative part of the same reads as under:-

“4. The Hon'ble High has directed the trial court to give report on the following points:-

1. Number of persons arrayed as accused in the FIR. As per statement of I.O. namely SI Krishan Kumar, there are total three persons arrayed as accused in the present FIR. Their names are Ankit S/o Dinesh, R/o Sarna Kheri, Safidon, Manoj S/o Mahabir, R/o Village Ghillod, District Rohtak, Dinesh S/o Narayandutt R/o Sarna Kheri, Safidon

2. Whether any accused is proclaimed offender. As per statement of I.O. namely SI Krishan Kumar, accused persons are not declared as proclaimed offenders.

3. Whether the compromise is genuine, voluntary and without any coercion or undue influence. In the regard, joint statement of complainant/victim namely Yogita Devi as well as accused persons Ankit, Dinesh and Manoj was recorded and they have stated that their compromise is genuine, voluntarily or without any undue influence. So, undersigned is of the view that the compromise is genuine, voluntary and without any coercion or undue influence.

4. Whether the accused person are involved in any other FIR or not. As per statement of I.O. SI Krishan Kumar, during his investigation, no accused was found involved in any other PIR.

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5. The statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court. In compliance, I recorded joint statement of complainant/victim namely Yogita Devi as well as accused persons Ankit, Dinesh and Manoj on 21.11.2024.

6. Whether all the victims/complainants as well as accused are party to the compromise in question. All the three accused persons namely Ankit, Dinesh and Manoj as well as complainant Yogita Devi are parties to the compromise in question.

7. The requisite report is being submitted as desired, please.”

(5) A perusal of the aforesaid report clearly reveals that matter has been compromised by both sides i.e. petitioners as well as respondent No.2 with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no grievance shown by either of the parties against each other.

(6) Learned State Counsel, on instructions from the police official concerned, also submitted that they have no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of the compromise effected between the parties.

(7) Learned Counsel for respondent No.2 has acknowledged the compromise effected between the parties i.e. petitioners as well as respondent No.2.

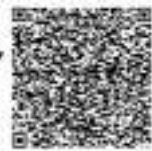
(8) Hon'ble the Supreme Court in '**Gian Singh Versus State of Punjab**', (2012) 10 SCC 303, has held as under:-

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“61. 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 what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and

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bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

(9) In view of above, this Court is fully convinced that the offence is entirely personal in nature and does not affect public peace or tranquility. Thus, quashing of FIR in question along with consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice.

(10) Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed *qua* the petitioners.

Pending application(s), if any, shall also stand disposed off.

13th January, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No