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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-38330-2024 (O&M)
Date of Decision: 09.01.2025

VISHAL

.....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG Punjab.

Mr. G.S.Rawat, Advocate for respondent No.2.

KIRTI SINGH, J.(Oral)

This petition has been filed under Section 528 of BNSS seeking quashing of FIR No.56 dated 02.06.2024 under Sections 376 and 506 of IPC registered at Police Station Division No.3, Police Commissionerate Jalandhar, along with all the subsequent proceedings arising therefrom, on the basis of compromise dated 26.07.2024 (Annexure P-4).

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 (CrI.) 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. The following order was passed on 08.08.2024:-

“Prayer in the instant petition filed under Section 528 Bharatiya Nagarik Suraksha Sanhita (B.N.S.S.) is for quashing of FIR No.56 dated 02.6.2024 (Annexure P-1) under Sections 376 and 506 IPC, registered at Police Station Division No.3, Police Commissionerate Jalandhar and all the consequential proceedings arising therefrom on the basis of compromise dated 26.7.2024 (Annexure P-4) effected between the parties.

Learned counsel for the petitioner, inter alia, submits that the petitioner and the complainant/respondent No.2 herein were previously known to each other. They were in a consensual relationship. The complainant is a 26 years old lady. The present FIR has been registered on the basis of some misapprehension. Thereafter, the petitioner and the complainant solemnized marriage on 24.7.2024 as is evident from the photographs of the marriage (Annexure P-2) as also from the Marriage Certificate (Annexure P-3). It is submitted that the parties are now living together happily. It is further submitted that the challan has been filed only against the petitioner, who has never been declared as proclaimed offender.

Notice of motion.

On the asking of Court, Mr. Kunwarbir Singh, AAG, Punjab, accepts notice on behalf of respondent No.1-State; whereas Mr. G.S. Rawat, Advocate, who is present in Court accepts notice on behalf of respondent No.2 and submits Power of Attorney, which is taken on record.

Learned counsel for respondent No.1-State as well as learned counsel for respondent No.2 have not disputed the aforesaid submissions made by learned counsel for the petitioner and the factum of compromise effected between the parties.

In view of the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the compromise dated 26.7.2024 (Annexure P-4) on 21.8.2024 or any other date convenient to the learned trial Court/Illaq Magistrate, by moving an appropriate application or by presenting this order.

The trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing i.e. 13.12.2024 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 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.*

A copy of the report be sent through FAX, to the Registrar (Judicial) of this Court.”

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

5. This Court vide order dated 08.08.2024, directed the parties to appear before the Area Magistrate/trial Court for recording their statements with regard to the compromise.

6. Pursuant to the aforesaid order, report dated 07.12.2024 has been received from the Additional Chief Judicial Magistrate, Jalandhar. 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.

7. 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.

8. 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.



xxx xxx xxx. ”

9. 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.) and others (1980) 1 SCC 63 and Full Bench of this Court in Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (CrI.) 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.

10. Resultantly, the present petition is allowed and FIR No.56 dated 02.06.2024 under Sections 376 and 506 of IPC registered at Police Station Division No.3, Police Commissionerate Jalandhar and all other consequential proceedings are quashed qua the petitioner on the basis of the compromise dated 26.07.2024 (Annexure P-4), **subject to payment of Rs.10,000/- to be deposited in Poor Patient Welfare Fund, PGIMER, Chandigarh within a period of one month.**

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

09.01.2025
Kavita

(KIRTI SINGH)
JUDGE

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