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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-61752-2023 (O&M)

Date of Decision: 09.01.2025

RAVI KUMAR AND OTHERS

.....Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. R.S.Dhillon, Advocate for the petitioners.

Mr. Randhir Singh Thind, DAG Punjab.

Ms. Bhupinder Kaur Bhangu, Advocate for respondent No.2.

KIRTI SINGH, J.(Oral)

This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.14 dated 27.03.2023 under Sections 376 and 506 of IPC registered at Police Station Khuhi Khera, District Fazilka, along with all the subsequent proceedings arising therefrom, on the basis of compromise dated 25.11.2023 (Annexure P-2).

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. The following order was passed on 07.08.2024:-

“1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing of FIR No.14 dated 27.03.2023, under Sections 376, 506 IPC, 1860, registered at Police Station Khuhi Khera, District Fazilka (Annexure P-1), on the basis of compromise deed dated 25.11.2023 (Annexure P-2), executed between the parties.

2. Learned counsel for the petitioners inter alia contends that the petitioners and respondent No.2 have effected a compromise. Petitioner No.1- Ravi Kumar and respondent No.2 have solemnized marriage, as per the Marriage Certificate (Annexure P-1/A) and even a male child has been born out of the wedlock on 03.08.2024. Copy of the Marriage Certificate shall be handed over to the Investigating Officer, as such, respondent No.2 does not want to take any action on the basis of the FIR, which has been registered on account of a misunderstanding.

3. Notice of motion.

4. On the asking of the Court, Mr. Davinder Bir Singh, Sr. DAG, Punjab accepts notice on behalf of respondent No. 1-State.

5. Mr. Barjinder Singh, Advocate put in appearance and accepts notice on behalf of Ms. Bhupinder Kaur, Advocate, for respondent No.2 and seeks a short accommodation to file ‘vakalatnama’. He confirms about factum of compromise between the parties.

6. Copies of the petition be handed over to learned counsel for the respondents during the course of the day.

7. In the meantime, the parties are directed to appear before the trial Court/Illaq Magistrate on or before 14.09.2024 for recording of their statements. After recording the statements of all the accused, victim, complainant and injured if any, the trial Court/Illaq Magistrate shall send a report to this Court on the following facts well before the next date of hearing:-

- I. Whether a genuine compromise has been arrived at between all the affected parties.*
- II. Whether the complainant, all the injured/victim and all the accused are party to the compromise?*
- III Whether during investigation, any additional accused has been added and he/she is a party to the compromise?*
- IV Whether any accused is a Proclaimed Offender?*
- V Whether after the registration of the FIR any offence was added or deleted during investigation?*
- VI Whether investigation is pending against any of the accused or any accused has been declared as innocent.*

8. Adjourned to 24.10.2024 for awaiting report from the trial Court. ”

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

5. This Court vide order dated 07.08.2024, 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 05.10.2024 has been

received from the Judicial Magistrate Ist Class, Fazilka. 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.

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 (CrL.) 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.14 dated 27.03.2023 under Sections 376 and 506 of IPC registered at Police Station Khuhi Khera, District Fazilka and all other consequential proceedings are quashed qua the petitioners on the basis of the compromise dated 25.11.2023 (Annexure P-2), **subject to payment of Rs.10,000/- to be deposited in Poor Patient Welfare Fund, PGIMER, Chandigarh.**

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*