

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

277

CRM-M-60103-2024(O&M)

Date of Decision: 09.01.2025

Ravinder

.....Petitioner(s)

Versus

State of Haryana and another

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. M.N. Jajoria, Advocate for the petitioner(s).

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Ishan Thakur, Advocate for respondents No.2 to 4.

KIRTI SINGH, J.(Oral)

1. This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.108 dated 28.02.2023, under Sections 354-D, 376, 379-A, 506 and 509 of IPC (later on Section 376(2)(n) of IPC and Section 67-A of Information & Technology Act were added and Section 376 IPC was deleted), registered at Police Station Tosham, District Bhiwani, along with all consequential proceedings arising therefrom, on the basis of compromise dated 11.10.2024 (Annexure P-2) arrived at between the parties.

2. Learned counsel for the petitioner submits that the petitioner and prosecutrix were in a consensual relation from a long time and the FIR was registered due to some misunderstanding between them and now better sense has prevailed between the parties and they have settled the matter. He has relied

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 vide order dated 11.12.2024, directed the parties to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the compromise.

5. Pursuant to the aforesaid order, report dated 02.01.2025 has been received from the Additional District and Sessions Judge, Bhiwani. 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.) 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.

9. Resultantly, the present petition is allowed and FIR No.108 dated 28.02.2023, under Sections 354-D, 376, 379-A, 506 and 509 of IPC (later on Section 376(2)(n) of IPC and Section 67-A of Information & Technology Act were added and Section 376 IPC was deleted), registered at Police Station Tosham, District Bhiwani, and all other consequential proceedings are quashed qua the petitioner(s) on the basis of the compromise dated 11.10.2024 (Annexure P-2), **subject to payment of Rs.10,000/- to be deposited in Poor Patient Welfare Fund, PGIMER, Chandigarh.**

09.01.2025
Kapil

(KIRTI SINGH)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes/No</i>