

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

CRM-M No.43644 of 2014

Date of decision: 30th April, 2015

Surinder Uniyal

... Petitioner

Versus

Union Territory of Chandigarh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Viren Jain, Advocate
for the petitioner.

Mr. Sukant Gupta, Addl. PP, UT Chandigarh
for respondent No.1.

None for respondent No.2.

FATEH DEEP SINGH, J.

In the present petition preferred under Section 482 Cr.P.C., the convict/petitioner, who was tried in a criminal case bearing FIR No.201 dated 03.04.2013 (Annexure P1) registered at Police Station Manimajra, Chandigarh under Sections 354-A IPC on the complaint of present respondent No.2 Geeta, was found guilty for commission of offence under Section 354-A IPC and the Court of learned Judicial Magistrate 1st Class, Chandigarh through judgment

and order of sentence dated 31.10.2014 (Annexure P2) convicted and sentenced him to undergo simple imprisonment for 1 year.

The same was challenged by the convict/petitioner by way of appeal before the first appellate Court of learned Additional Sessions Judge, Chandigarh whereby vide orders dated 29.11.2014 (Annexure P3) conviction and sentence of the petitioner stood suspended.

It is at this juncture, parties entered into a compromise in writing by way of Compromise Deed dated 10.12.2014 (Annexure P4). It was consequent thereupon the present jurisdiction was invoked by the petitioner/convict.

Report of the Court below was called for, which through its report dated 19.01.2015 submits on the basis of statements of the parties that the parties have amicably compromised the matter voluntarily, without any coercion, pressure or undue influence, whereby the complainant has shown her resolve to put an end to this squabble and has considered so the compromise Ex.C1.

Heard Mr. Viren Jain, Advocate for the petitioner and Mr.Sukant Gupta, Addl. PP, UT Chandigarh for respondent No.1.

Though the petitioner has been found guilty and convicted under the provisions of Section 354-A IPC and which offence under the first part prescribes imprisonment which may extend to 3 years or with fine or with both and under the second part it may extends to 1 year or with fine or with both. The offence is bailable, cognizable and

as per Section 320 Cr.P.C. does not figure in the list of compoundable offences.

Learned counsel for the petitioner has sought to place reliance upon a Division Bench view of this Court in '**Sube Singh and another v. State of Haryana and another**' reported in **2013(4) RCR (Criminal) 102** to impress upon this Court that the High Court is vested with unparallel powers to quash criminal proceedings at any stage to secure the ends of justice even where after conviction an appeal is pending. Their Lordships in **Sube Singh's case** (ibid) held as under:

"The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Criminal Procedure Code with a view to prevent the abuse of law or to secure the ends of justice, however, is wide enough to include its power to quash the proceedings in relation to not only the non-compoundable offences notwithstanding the bar under Section 320 Criminal Procedure Code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and invoking of such power is fully justified on facts and circumstances of the case."

Having regard to this position of law and that in similar other views reported in 2012(10) SCC 303 titled as '**Gian Singh v. State of Punjab and another**' and 2014(6) SCC 466 titled as '**Narinder Singh and others v. State of Punjab and another**', wherein the Hon'ble Apex Court has taken a very liberal approach as to quashment of proceedings and had emphasized that quashment of

such proceedings depends upon the facts and circumstances of each case and has attached primacy where such a quashment by way of compromise is essential to secure the ends of justice or to prevent abuse of the process of any Court and it is only in cases which are of very heinous or serious nature like murder, rape, dacoity or corruption etc. the courts should not come to the aid and rescue of a petitioner.

In the present case, there are allegations of sexual harassment through explicit message and the complainant in this case is a married woman and who considering her future life has thought it prudent to take pity on the petitioner who too is a married person and has put in bonafide apologies which are accepted by the complainant. Thus, this compromise to the mind of this Court would go a long way in putting an end to this hostility and would otherwise be conducive for the future life of the parties to this compromise. Thus, the Court taking a holistic and pragmatic approach feels it essential and in the interest of justice to allow the prayer made in this petition. Thus, FIR No.201 dated 03.04.2013 (Annexure P1) registered at Police Station Manimajra, Chandigarh under Sections 354-A IPC along with judgment of conviction dated 31.10.2014 (Annexure P2) passed by learned Judicial Magistrate 1st Class, Chandigarh and all consequences arising thereof are hereby quashed.

The petition stands allowed in those terms.

(FATEH DEEP SINGH)
JUDGE

April 30, 2015
rps