

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

CRM-M-29305-2020(O&M)

Date of decision: 27.10.2020

KULWINDER SINGH

.....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.R.S.Mann, Advocate for the petitioner

Ms. Samina Dhir, DAG, Punjab

Mr. Shurya Puri, Advocate for the complainant-respondent
no.2

ANIL KSHETARPAL, J. (ORAL)

The petitioner has approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.'), invoking its inherent jurisdiction for quashing of FIR No.100, dated 16.5.2019, registered under Section 509 IPC, Section 67 of Information Technology Act, 2000 and Section 6 of Indecent Representation of Women (Prohibition) Act, 1986, at Police Station Dehlon, District Police Commissionerate Ludhiana, and all the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued.

In compliance of the order dated 23.9.2020, passed by this Court, the parties got their statements recorded before the learned trial court. Consequently, a report dated 12.10.2020, along with copy of

compromise, sent by the learned Judicial Magistrate First Class, Ludhiana, has been received which is available on record of the case along with the statements of the parties. Learned Judicial Magistrate First Class, Ludhiana, has reported that the parties have made their statements voluntarily and without any pressure. The compromise arrived at between the parties has been found to be a genuine one and is not a result of any pressure or coercion.

Learned counsel for the petitioner as well as respondent no.2, have jointly stated that the parties have settled their dispute.

After hearing the learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at an out-of-Court settlement by way of compromise. The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of the process of law.

For the aforesaid view, this Court finds support from **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, approved by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303**,

Considering the peculiar facts and circumstances of the case as noted above, coupled with the reasons afore-mentioned and to secure the ends of justice, FIR No.100, dated 16.5.2019, registered under Section 509 IPC, Section 67 of Information Technology Act,

2000 and Section 6 of Indecent Representation of Women (Prohibition) Act, 1986, at Police Station Dehlon, District Police Commissionerate Ludhiana and the consequential proceedings arising therefrom are hereby quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

27.10.2020
rekha

(ANIL KSHETARPAL)
JUDGE

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