

118 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-33081-2021 in/and
CRM-M-850-2020
Date of Decision: 08.10.2021

ANIL @ANIL KUMAR AND ANOTHER ... PETITIONERS
VS.

STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Kamalpreet Bawa, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Sr. Deputy Advocate General, Punjab.

Mr. Gagandeep, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due
to COVID-19 pandemic.

CRM-33081-2021

It has been stated that the matter has been amicably settled
between the parties, the statements of the parties have been recorded by the
learned Illaqa Magistrate and the report has been received.

Accordingly, the main case which is stated to be fixed for
18.11.2021 is allowed to be preponed and taken up on the Board today
itself.

Application is disposed of.

CRM-M-850-2020

Petitioners have approached this Court by way of instant
petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for

quashing of FIR No.198 dated 16.09.2019 under Sections 324/354/34 of IPC, registered at Police Station City South, District Moga and all the consequential proceedings arising therefrom, on the basis of compromise.

On 10.01.2020, notice of motion was issued and parties were directed to get their statements recorded before the learned Illaqa Magistrate/Trial Court.

In compliance of the order dated 10.01.2020, the statements of the parties have been recorded and the learned Chief Judicial Magistrate, Moga has sent the report to the following effect:-

“Above said accused Anil alias Anil Kumar and Nitish Garg have suffered their statements to the effect that they have entered into the compromise with the complainant Neelam Rani Grover of FIR No. 198 dated 16.09.2019 registered under Sections 324,354,34 IPC at P.S.City South, Moga with the intervention of respectable of the society. They have entered into the compromise to avoid further litigation and for the peace of mind. They are giving their statements without any pressure, undue influence and coercion and the compromise so entered between them and the complainant was with their free Will and consent, without any force and threat, pressure, undue influence and coercion etc from any quarter. The said compromise is genuine, voluntarily and without any pressure or undue influence entered into by them with the complainant. They have never been declared as proclaimed offender in the above said FIR. There is no other FIR pending against them. There are only two accused in the above said FIR.

Above said complainant Neelam Rani has suffered her statement to the effect that she has entered into the compromise with accused Anil alias Anil Kumar and Nitish Garg of FIR No. 198 dated 16.09.2019 registered under Sections 324,354,34 IPC at P.S.City South, Moga with the intervention of

respectable of the society. She has no objection, if the abovesaid FIR is quashed. She has entered into the compromise to avoid further litigation and for the peace of mind. The original compromise is Ex.C1. She does not want to pursue the present FIR against the accused. She is giving this statement without any pressure, undue influence, threat and coercion and the compromise so entered between her and accused was with her free Will and consent, without any force and threat, undue influence and coercion etc from any quarter. The said compromise is genuine, voluntarily (sic. voluntary) and without any pressure or undue influence entered into by her with the accused. There are only two accused in the above said FIR as named above. She is only the affected/ aggrieved person in the above said FIR.

From the statements of above said accused and complainant recorded in the court, it is forth coming that a compromise has been effected between above said complainant and accused. As per the statements of above said persons, further it is submitted as under:-

- I. There are two accused in the above said FIR as named above. None of the accused is absconding/PO in the above said FIR.*
- II. The name of complainant and aggrieved person is Neelan Rani and she is only the aggrieved person in the above said FIR.*
- III. Challan of above said FIR has not been presented in the court.*
- IV. The compromise effected between the parties is genuine, voluntarily (sic. voluntary) and out of free Will of the parties.”*

It has been pointed out by the learned counsel for the parties that the petitioners are the tenants under respondent No.2. In such circumstances in the event the matter is amicably settled, it will be beneficial in

maintaining harmonious relation between the parties in future.

After hearing learned counsel for the parties and 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 a settlement, out of the Court, 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 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*, upheld 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 noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.198 dated 16.09.2019 under Sections 324/354/34 of IPC, registered at Police Station City South, District Moga and all the consequential proceedings arising therefrom, on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

08.10.2021
smriti

(VIVEK PURI)
JUDGE

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