

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

CRM-M-11995-2021 (O&M)

Date of Decision: 16.12.2021

Kashmir Chand

... Petitioner

v/s

Rekha Rani and another

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Surinder Garg, Advocate
for the petitioner.

Mr. K.S. Rawat, Advocate for
Mr. Lalit Sharma, Advocate for respondent No.1.

Ms. Ruchika Sabherwal, AAG Punjab.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of Complaint case in other Sessions Case No. 59 dated 22.11.2019 and Sessions Case No. 172 of 2019 dated 22.11.2019, under Sections 3/4/5/6 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 and Section 354 of IPC and Summoning Order dated 11.12.2019 and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

On 16.03.2021, notice of motion was issued and parties were directed to appear before the Trial Court and get their statements recorded with regard to the compromise arrived at between them.

The Trial Court was directed to record the statements of all the concerned and sent his report regarding genuineness of the compromise.

In compliance of the order dated 16.03.2021, learned Addl. District & Sessions Judge, Faridkot has recorded the statements of the parties and submitted his report, which reads as under:

“With reference to the order dated 16.3.2021 passed by the Honourable Punjab and Haryana High Court, Chandigarh, in CRM-M-11995-2021, titled as “Kashmir Chand Versus Rekha Rani and another” and subsequent order dated 9.4.2021 passed in CRM-10434-2021 in CRM-M-11995-2021, it is submitted that in compliance of the said order, parties appeared before this court, on 4.5.2021, and their statements were recorded.

Complainant Rekha Rani made a statement that she has filed complaint bearing No. 59 dated 22.11.2019, Sessions Case No. 172 of 2019, under Sections 3,4,5,6 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and 354 of IPC, titled as 'Rekha Rani Versus Kashmir Chand', against accused Kashmir Chand son of Roop Lal, Resident of German Colony, Faridkot and vide order dated 11.12.2019, passed by the court of learned Additional Sessions Judge Faridkot, he was summoned for above offences. Now she has effected compromise with accused Kashmir Chand, with the intervention of respectables and relatives. Copy of compromise is Mark-A, which is true and correct and she admits the contents of the same and it bears her signatures. The original compromise has been filed before the Hon'ble High Court. The said compromise is genuine and has been effected by her with the accused, without undue influence or coercion and now she has no grudge or grievance against accused. She has placed on record

photocopy of her Aadhaar Card Mark-B.

Accused Kashmir Chand suffered statement that complainant Rekha Rani has filed complaint bearing No. 59 dated 22.11.2019, Sessions Case No. 172 of 2019, under Sections 3,4,5,6 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and 354 of IPC, titled as 'Rekha Rani Versus Kashmir Chand', against him and vide order dated 11.12.2019, passed by the Court of learned Additional Sessions Judge Faridkot, he was summoned for above offences. Now he has effected compromise with complainant Rekha Rani, with the intervention of respectables and relatives. Copy of compromise is Mark-A, which is true and correct and he admits the contents of the same and it bears his signatures. The original compromise has been filed before the Hon'ble High Court. The said compromise is genuine and has been effected by him with the complainant, without undue influence. He has placed on record photocopy of his Aadhaar Card Mark-C.

After going through the record and above statements of complainant as well as accused, it is submitted that the compromise effected between the parties is genuine and same is without any undue influence or coercion.

The report alongwith copies of statements of the complainant and accused, is being sent herewith."

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 (Annexure P-3). The compromise is without any pressure and is 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*.

Accordingly, the present petition is allowed and Complaint case in other Sessions Case No. 59 dated 22.11.2019 and Sessions Case No. 172 of 2019 dated 22.11.2019, under Sections 3/4/5/6 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 and Section 354 of IPC and Summoning Order dated 11.12.2019 and all the consequential proceedings arising therefrom are quashed qua the petitioner.

16.12.2021

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No