

ASHOK KUMAR AND ANR.

VERSUS

...PETITIONERS

STATE OF HARYANA AND ANR. ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sudhir Rana , Advocate
for the petitioners.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

Mr. Baljeet Beniwal, Advocate
for respondent No.2.

(The case has been taken up through video conferencing on account of Covid-19 Pandemic)

VIVEK PURI,J. (ORAL)

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. 326 dated 05.09.2020, under Sections 354-A/354-C IPC, 1860 and Section 3 of SC/ST Act, 1989, registered at Police Station Rewari City, District Rewari and all the consequential proceedings arising therefrom, on the basis of compromise.

Briefly, the FIR has been registered on the allegations that the accused were having bad eyes upon the daughter of the complainant who was aged about 27 years and on 08.07.2020, at about 10:00 AM, when she had gone to the roof of the house, the accused committed obscene act/sign towards her. It has been stated that the matter has been amicably settled between the parties.

On 22.07.2021, parties were directed to appear before the Trial Court/Illaq Magistrate 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 send its report regarding genuineness and voluntary nature of the compromise.

In compliance of the order dated 22.07.2021, learned Additional Sessions Judge, Rewari has recorded the statements of the parties and submitted its report dated 13.09.2021, the relevant para whereof reads as under:-

“ The Hon’ble Punjab & Haryana High Court vide order dated 22.07.2021 passed in CRM-M-28076-2021 titled as ‘Ashok Kumar & another Vs. State of Haryana and another, had directed this Court to record the statements of the parties regarding compromise and thereafter to furnish report in this regard.

The applicant/complainant Kamla Devi, along-with other victims had appeared before this Court and moved an application through her counsel on 29.07.2021 for recording their statements. Also accused Ashok and Deepak had appeared. Before recording the statements of complainant & others they had been orally asked about their willingness to make the statements and as to whether they have entered into the settlement/compromise voluntarily and without any pressure and coercion. Thereafter, the statements of complainant and victims Parul and Khuswant had been recorded who all had also been identified by their Advocate Ms. Monika. Similarly, the statements of accused Deepak and Ashok had been recorded to the effect that they have entered into a compromise with the complainant and other victims. As only after verifying the willingness and voluntariness of the complainant and victims their respective statements had been recorded by this Court, it seems that the complainant and victims had effected compromise/settlement with the accused persons voluntarily without any coercion or influence and therefore the compromise is valid.

It is further submitted that in compliance of order dated 22.07.2021 the investigation officer had been summoned by way of notice. The investigating officer Sh. Mohammad Jamal, Deputy

Superintendent of Police, Rewari who had appeared before this Court, on being inquired about there being any other accused or aggrieved party had made statement to the effect that except for the petitioners/accused and victims Smt. Kamla, Parul and Khuswant there are no other accused or victims in this case. He has also stated that none of the accused in this case is a proclaimed offender/person as per record.”

It has been contended by the learned counsel for the parties that they are neighbourers and the dispute between them has been amicably settled. Even, an FIR bearing No. 243 dated 10.07.2020, under Sections 323/506/294/452/427 IPC, at Police Station City Rewari, District Rewari has been registered at the instance of petitioner No.1 wherein also the matter has been amicably settled.

Keeping in view the fact that the parties are neighbourers, the amicable settlement will help in maintaining cordial relations between them in future.

After hearing the 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,

Section 3 of SC/ST Act, 1989, registered at Police Station Rewari City, District Rewari and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

14.12.2021
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(VIVEK PURI)
JUDGE

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