

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1044-2021

Date of Decision: 12.10.2022

AMAN NAGPAL

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Vishal Mittal, Advocate for
Mr. Digvijay Nagpal, Advocate,
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Sanjeev Kumar, Advocate for
Mr. Arshdeep Singh, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioner is seeking to quash the FIR No.0022 dated 15.02.2020 under Section 354 IPC registered at Police Station Bahawala, District Fazilka and all the consequential proceedings arising therefrom on the basis of compromise.

Briefly, the FIR has been registered on the allegation that on 07.01.2020, the petitioner had outraged the modesty of respondent No.2.

On 01.06.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/ Trial Court.

In compliance of the order dated 01.06.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Abohar, has sent the report and the relevant portion whereof reads as under:-

“i. It is submitted that the present FIR was registered against only one person by name i.e. Aman Nagpal son of Balraj Nagpal.

ii. It is further submitted that as per the statement of investigating officer, none of the accused has been declared proclaimed offender in the present FIR.

iii. In view of the statements got recorded by both the parties, this court is satisfied that the compromise effected between them is genuine, voluntary and without any coercion of undue influence.

iv. It is further submitted that as per the statement of investigating officer, no other FIR/complaint is registered against accused.

v. It is further submitted that as per statement of investigating officer, there is no other victim/complainant in the present FIR except the complainant Sukhpreet Kaur.”

Learned counsel for the petitioner contends that the dispute has been amicably settled in terms of the compromise contained at Annexure P-2. Even, cancellation report has been prepared in the instant case. An amicable settlement will help in maintaining cordial relations between the parties in future.

Learned counsel for respondent No.2 has also not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the FIR is quashed.

Learned State counsel has not disputed the fact that the cancellation report has been prepared but further contends that the same is yet to be submitted before the learned Illaqa Magistrate.

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.

The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the private dispute has been sought to be amicably settled. Consequently, a deserving case is made out where the court should exercise the power to secure the ends of justice.

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.0022 dated 15.02.2020 under Section 354 IPC registered at Police Station Bahawala, District Fazilka and all the consequential proceedings arising therefrom are ordered to be quashed, however, qua the petitioner only.

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

12.10.2022
smriti

(VIVEK PURI)
JUDGE

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