

GIRDHARI LAL

...PETITIONER

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Naveen Bawa, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Vishnu Dutt, Advocate for respondent Nos.2 and 3.

VIVEK PURI, J. (ORAL)

Mr. Vishnu Dutt, Advocate has file his power of attorney and the same is taken on record.

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.59 dated 23.03.2020 under Sections 354-D IPC, 1860, registered at Police Station Shimlapuri, District Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise.

Briefly, the FIR has been registered on the allegations that the petitioner had sent obscene messages to respondent No.3.

On 22.02.2022, 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.

Magistrate 1st Class, Ludhiana has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“Accordingly, the statements of accused/petitioner namely Girdhari Lal aged about 48 years son of Vainee Ram R/o House No. 5759, Street No.23, Gobind Nagar, Millarganj, Ludhiana and complainant/respondents No.2 and 3 Nishu Rani wife of Bhim Sain and Meenakshi daughter of Bhim Sain, both R/o House No. 8447/1, Street No.1, Mohalla Gurpal Nagar, Magghar Chakk, Ludhiana, Tehsil and Dsitric Ludhiana, have been recorded. In their separate statements, both the parties admitted the genuineness of the compromise arising between them. Both the parties have been identified by their respective Ld. Counsel. So, from the statements of the parties, it appears to the court that the parties have been compromised the matter out of their free Will, voluntarily, without any sort of pressure, coercion and fear and the compromise is not result of any fraud or misrepresentation.

1. It is respectfully submitted that the name of complainant is Nishu Rani, whereas Meenakshi is the victim and the name of the accused is Girdhari Lal, who is arrayed in the FIR and all of them have appeared and made their respective statements in support of the compromise so effected between them.

2. Further, as per report of concerned Ahlmad and statement of Investigating Officer, accused has not been declared as Proclaimed Offender.”

Learned counsel for the petitioner contends that dispute has been amicably settled with the intervention of the respectables. The family of both the parties is well acquainted with each other. The age of respondent No.3 was 22 years at the time of occurrence as her date of birth in the Aadhar Card has been depicted as 01.07.1998 and the amicable settlement will help in maintaining cordial relations between the parties in future.

Learned counsel for respondent Nos.2 and 3 states that he has no objection if FIR is quashed.

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.

The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the dispute between two acquainted families 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. 59 dated 23.03.2020 under Sections 354-D IPC, 1860, registered at Police Station Shimlapuri, District Ludhiana 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.

23.05.2022
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(VIVEK PURI)
JUDGE

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