

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(252)

CRM-M-1424-2019

Date of Decision:- 16.08.2022

Suresh Kumar and others

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Bhavesh Aggarwal, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab
for State-respondent No.1.

Mr. Kishan Garg, Advocate for
Mr. Jashanpreet Singh, Advocate
for respondents No.2 to 4.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Code”) for quashing of FIR No.108 dated 28.06.2015, registered for offences under Sections 354-B, 323, 506, 148 and 149 of the Indian Penal Code, 1860 (for short “IPC”), at Police Station Meharban, District Ludhiana, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 02.12.2017, Annexure P-2, arrived at between the parties.

By referring to the allegations levelled in the FIR, Annexure P-1, counsel for the petitioners submits that FIR is an outcome of a petty dispute between neighbors. He submits that as per the allegations, an altercation took place between the parties and the clothes of two ladies got torn, however, there was no intention on the part of the accused-petitioners to outrage their modesty. He submits that in deference to the order passed by this Court, the parties have appeared before the Trial Court and their statements have been recorded.

Upon instructions received from HC, Talwinder Singh, State counsel submits that the matter is pending at the stage of recording of prosecution evidence and that offence under Section 354-B, IPC is non-compoundable.

Counsel representing respondents No.2 to 4 has admitted the factum of compromise and does not dispute the statement made by counsel for the petitioners. He submits that besides the complainant, both the ladies have also been impleaded as respondents and are supporting the compromise.

Heard counsel for the parties.

Vide order dated 13.02.2020, this Court directed the parties to appear before the Trial Court/Area Magistrate to record their statements in support of the compromise and a report was called for on the following aspects:-

- “i) The name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective statements in support of the compromise so effected between them;*
- ii) Whether any of the accused has been declared a Proclaimed Offender;*

- iii) *The stage of trial/proceedings;*
- iv) *If the compromise so arrived at between the parties is genuine, voluntary and out of free will.”*

Report has been received and its relevant extract is as under:-

“..... 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.

As per FIR as well as statement of the Investigating Officer, there are only six persons i.e. petitioners arrayed as accused and all of them have appeared before the Court and recorded their statements separately regarding compromise.

As per statement of the Investigating Officer, there is only one complainant/aggrieved person i.e. respondent in the present petition and he has appeared before the Court and recorded his statement separately regarding the compromise.

As per statement of the parties as well as statement of the Investigating Officer and report of the Ahlmad, accused have not been declared as proclaimed offender and no PO proceedings are pending against any of the party and challan against all the accused except accused Varun Kumar and Roma have been presented, whereas accused Varun Kumar and Roma were summoned after allowing the application u/s 319 Cr.P.C. and case is fixed for prosecution evidence.”

A perusal of the FIR, Annexure P-1, shows that the dispute between the parties is over a trivial matter, which has been settled. Parties, who are neighbors, have decided to give a quietus to the dispute.

Supreme Court in ***Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322*** has held that when parties have amicably settled their dispute and the complainant/victim has willingly consented to the nullification of the criminal proceedings, High Court can quash such proceedings in exercise of its inherent powers under Section 482 of the Code even if the offences are non-compoundable.

Keeping in view the nature of dispute, report of the Trial Court and the judgment of the Supreme Court, this Court is of the view that prolonging the criminal proceedings would not serve any purpose rather setting them aside would enable the parties to lead a peaceful and harmonious life.

Accordingly, the petition is allowed. FIR No.108 dated 28.06.2015, registered for offences under Sections 354-B, 323, 506, 148 and 149 of IPC, at Police Station Meharban, District Ludhiana, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

16.08.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No