

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

**CRM-M-4124-2021
Date of Decision: 14.10.2022**

TALWINDER SINGH ... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A.G. Punjab.

Mr. Aazam Khan, Advocate for
Mr. A.S.Bhatti, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 42 dated 02.04.2020 registered under Section 354 of the Indian Penal Code at Police Station Sadar Batala, District Batala and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Briefly, the FIR has been registered on the allegations that respondent No.2 is aged about 55 years and on 24.03.2020, the petitioner outraged her modesty while she was alone in the house.

On 29.01.2021, the 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 send its report regarding genuineness of

the compromise.

In compliance of the order dated 29.01.2021, learned Judicial Magistrate Ist Class, Batala has recorded the statements of the parties and submitted the report, which reads as under:-

“Pursuant to the order dated 29.01.2021 passed by the Hon'ble High Court in CRM-M-4124 of 2021 titled as Talwinder Singh Vs. State of Punjab & Another, report is hereby submitted to the effect that the statements of complainant/respondent No. 2 Harjit Kaur wife of Sukhwinderpal Singh R/o Village Harsia, Tehsil Batala, District Gurdaspur, Punjab 143505 and Petitioner No.1/accused Talwinder Singh son of Darshan Singh resident of village Harsia, Tehsil Batala, District Gurdaspur, recorded on 23.02.2021 by the Learned Duty Magistrate Ms. Parminder Kaur Bains, Sub-Divisional Judicial Magistrate, Batala. From the statements it transpires that the parties have made an amicable settlement and have recorded their statements in the court without any fear, pressure, threat or coercion and out of their free will.

It is further submitted that statement of ASI Dalbir Singh No. 1711/Btl, police Station Sadar Batala recorded. He stated that this FIR was registered against one accused namely Talwinder Singh son of Darshan Singh, resident of Village Harsian, Tehsil Batala, District Gurdaspur, Punjab 143505 and in this case none of the accused has been declared as proclaimed offender.”

Learned counsel for the petitioner contends that the dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The parties are residents of the same village and amicable settlement will help in maintaining cordial relations between them in future.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is quashed.

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-2). 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.

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*.

Accordingly, the present petition is allowed and FIR No. 42 dated 02.04.2020 registered under Section 354 of the Indian Penal Code at Police Station Sadar Batala, District Batala and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

14.10.2022

Janki

(VIVEK PURI)
JUDGE

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