

268 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3767-2022
Date of Decision: 12.05.2022

SUNNY CHAWLA AND OTHERS ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Kapil Khanna, Advocate for the petitioners.

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

Mr. Amit Thakur, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 89 dated 04.05.2021, under Sections 323/324/506/354/34 IPC, registered at Police Station Division No.5, District Jalandhar and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 15.02.2022 notice of motion was issued and 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 15.02.2022, learned Judicial Magistrate First Class, Jalandhar has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“It is respectfully submitted that as per the statement of Investigating Officer, there are total five persons namely Sunny Chawla, Richa Chawla, Reena Chawla, Priya Dev and Anil Kumar were arrayed as accused in the present FIR and out of above mentioned five accused, one accused namely Anil Kumar has died.

2. It is further respectfully submitted that as per the statement of Investigating Officer, no accused is proclaimed offender in the present case.

3. It is further respectfully submitted in view of statements given by the parties this Court is of the considered opinion that compromise effected between the parties is genuine and it is effected voluntarily without any pressure, coercion or undue influence from any quarter.

4. It is further respectfully submitted that as per the statement of Investigating Officer, the accused persons are not involved in any other case.

5. It is further respectfully submitted that as per the statement of Investigating Officer, the present FIR was registered on the statement of complainant Geetanjali and there is only one victim/complainant in the present FIR namely Geetanjali.”

Learned counsel for the petitioners contend that the matter has been amicably settled between the parties in terms of the compromise, Annexure P-2. The petitioners are the members of the in-laws family of respondent No.2. The family dispute has been amicably settled. The allegations with regard to outraging the modesty were levelled against Anil Kumar, the father-in-law, who has passed away. The petitioners No. 1, 2, 3 and 4 are the brother-in-law, sister-in-law, mother-in-law and sister-in-law respectively of the respondent No.2. The respondent No. 2 is happily residing in the matrimonial house with her husband. The amicable settlement will help in maintaining cordial relations between the parties who are near relatives.

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

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 family 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. 89 dated 04.05.2021, under Sections 323/324/506/354/34 IPC, registered at Police Station Division No.5, District Jalandhar and all the consequential proceedings arising therefrom are quashed qua the petitioners.

12.05.2022

Janki

(VIVEK PURI)
JUDGE

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