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

CRM-M-5005-2022
Date of decision: 23.08.2022

GURTEJ SINGH **...PETITIONER**

VERSUS

STATE OF PUNJAB AND ANR. **...RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Parveen Kumar Garg, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Aazam Khan, Advocate for
Mr. Ritesh Pandey, Advocate for respondent No.2/complainant.

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VIVEK PURI,J. (ORAL)

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.146 dated 23.06.2021 under Sections 354/354-B/506 IPC, registered at Police Station Lehra, District Sangrur and all the consequential proceedings arising therefrom, on the basis of compromise.

Briefly, the FIR has been registered on the allegations that the petitioner and respondent No.2 are working as lower division clerk and line man respectively in Punjab State Power Corporation, Urban Lehra. On 23.06.2021, at about 09:30 AM, the petitioner came to the office in a drunken condition, caught hold the arm of respondent No.2 and indulged in obscene activities.

On 08.02.2022, parties were directed to appear before the Trial Court/Illaqa 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

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compromise.

In compliance of the order dated 08.02.2022, learned Judicial Magistrate 1st Class, Moonak (Sangrur) has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

> *"(i) As per the statement of IO, there is only one accused namely Gurtej Singh son of Jarnail Singh resident of Village Khandebad, Tehsil Lehra, District Sangrur in the present FIR.*
> *(ii) No person is proclaimed offender in this case.*
> *(iii) As per the statements of parties, the compromise appears to be genuine, entered into voluntarily and without any coercion and undue influence.*
> *(iv) As per the statement of IO no other FIR against accused has been lodged except the present FIR.*
> *(v) As per the statement of IO, there is only one victim/complainant namely Harminder Kaur @ Harwinder Kaur widow of Bharpur Singh resident of Village Sangatpura, Tehsli Moonak, District Sangrur in the present case."*

Learned counsel for the petitioner contends that the petitioner and respondent No.2 are colleagues and working in the same office. The matter has been amicably settled between the parties in terms of compromise dated 04.01.2022 and the amicable settlement will help in maintaining cordial relations with them in future.

Learned counsel appearing on behalf of respondent No.2 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

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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 of the colleagues working in the same office 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.146 dated 23.06.2021 under Sections 354/354-B/506 IPC, registered at Police Station Lehra, District Sangrur 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.

23.08.2022 **(VIVEK PURI)**
renubala **JUDGE**

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

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