

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6959-2022

Date of Decision: 13.05.2022

JASWINDER SINGH @ VICKY
VS.

... PETITIONER

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Mohit Singla, Advocate,
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Yadwinder Singh, Advocate,
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking to quash the FIR No. 302 dated 14.08.2021 under Sections 354 and 323 IPC registered at Police Station City Kharar, District SAS Nagar (Mohali) and all the subsequent proceedings arising therefrom on the basis of compromise.

Briefly, the allegations as put forth in the FIR are to the effect that respondent No.2 was doing house hold work in the house of the petitioner where he slapped and molested her.

On 18.02.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 18.02.2022, the statements of the parties have been recorded and the learned Sub Divisional Judicial Magistrate, Kharar has sent the report and the relevant portion whereof is reproduced here-in-below:-

“In compliance with the aforesaid order, parties appeared on 30.03.2022 and complainant namely Reshma Devi got recorded her statement stating that the FIR has been registered on the basis of her

statement against accused Jaswinder Singh @ Vicky. Now, with the intervention of respectables, she has compromised the matter with the accused. The said compromise i.e. Ex.P1 is without any threat, force and coercion. She has no objection if the present FIR alongwith other consequential proceedings be quashed against the above said accused.

Similarly, petitioner-accused Jaswinder Singh @ Vicky has got recorded his statement to the effect that the matter has been compromised. The said compromise is without any threat, force, coercion. The said FIR alongwith other consequential proceedings may kindly be quashed against him.

ASI Harminder Singh got recorded his statement to the effect that he is Investigating Officer of FIR No.302 dated 14.08.2021, under Sections 354,323 IPC, P.S.City Kharar, District SAS Nagar, and there is only one accused namely Jaswinder Singh @ Vicky and the accused has not been declared proclaimed person by this court nor any criminal case is pending against the accused. He further stated that there is only one victim/complainant namely Reshma Devi. This Court is satisfied that aforesaid statements made by complainant and accused are voluntarily and without any threat or any undue influence.

Learned counsel for the petitioner contends that with the intervention of the respectables, the matter has been amicably settled between the parties in terms of compromise contained at Annexure P-2. The compromise has been effected between the parties with their free will and without any threat or coercion.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the 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. 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 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***.

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. 302 dated 14.08.2021 under Sections 354 and 323 IPC registered at Police Station City Kharar, District SAS Nagar (Mohali) and all other subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

13.05.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No