

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

CRM-M-12349-2022
Date of Decision: 19.09.2022

TARSEM CHAND

... PETITIONER

VS.

THE STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Arvind Bansal, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Ms. Pushpinder Kaur, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking to quash the FIR No. 0123 dated 25.06.2020 under Section 354-A IPC and Section 3(2)(v)(1) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act registered at Police Station Cheeka, Tehsil Guhla, District Kaithal and all the subsequent proceedings arising therefrom on the basis of compromise.

Briefly, the FIR has been registered on the allegations that respondent No.2 had been working as maid in the house of the petitioner, who outraged her modesty and also uttered derogatory remarks against her caste.

On 01.04.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 01.04.2022, the statements of the parties have been recorded and the learned Additional Sessions Judge, Special Court, Kaithal, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“Only one accused namely Tarsem Chand son of Mangat Ram, aged about 51 years, resident of R-3, Kothi

No.61, Cheeka, District Kaithal has been arraigned as an accused in the present FIR bearing No.123 dated 25.06.2020 registered at Police Station Cheeka, District Kaithal.

Accused Tarsem Chand, booked in the present FIR is appearing before the Court and he is not proclaimed offender.

Compromise Ex.C1, duly signed by complainant-victim namely Rimpi Devi, witnesses cum victim namely Gurvinder Singh and Suman, who are husband and Jethani of complainant, is appearing genuine, voluntarily and without any coercion or undue influence. They have been duly identified by their counsel(s) namely Shri Sandeep Dhull (for complainant) and Shri Mandeep Singh (for accused Tarsem Chand).

Accused Tarsem Chand is not involved in any other case, except in the present FIR bearing No.123 registered at Police Station Cheeka, District Kaithal.

Statement of Investigating Officer Shri Kishori Lal ACP, 4 posted at Panchkula recorded, wherein, he detailed that in the aforesaid FIR, Rimpi Devi wife of Gurvinder Singh, resident of village Kharal, Tehsil Guhla, District Kaithal is main victim-cum-complainant. Except her, there are two witnesses namely Gurvinder Singh and Suman, and after the main incident, they had gone to the house of accused Tarsem Chand in order to reprimand him and he (accused Tarsem Chand) had uttered remarks in the name of caste towards them. Accused Tarsem Chand is neither involved in any other case nor he is proclaimed offender. ”

Learned counsel for the petitioner contends that the matter has been amicably settled with the intervention of the respectables in terms of the compromise (Annexure P-3) and an amicable settlement will help in maintaining cordial relations between the parties.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that she 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. 0123 dated 25.06.2020 under Section 354-A IPC and Section 3(2)(v)(1) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act registered at Police Station Cheeka, Tehsil Guhla, District Kaithal and all the 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.

19.09.2022
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(VIVEK PURI)
JUDGE

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