

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12449-2022

Date of Decision: 29.11.2022

SOHAN SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Krishan Kanha, Advocate for
Mr. Narinder S. Lucky, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

Mr. A.P.Kaushal, Advocate for
Mr. Navjit Singh, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioner is seeking to quash the FIR No. 0175 dated 03.09.2021 under Sections 354, 323 and 506 IPC registered at Police Station City Rupnagar, District Rupnagar and all the subsequent proceedings arising therefrom on the basis of compromise.

Breifly, the FIR has been registered on the allegations that on 02.09.2021, the petitioner had outraged the modesty of complainant/respondent No.2 by holding her hairs, pushing her from the back and also gave beatings by slapping her.

On 08.09.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 08.09.2022, the statements of the parties have been recorded and the learned Chief Judicial Magistrate Rupnagar has sent the report and the relevant portion whereof is reproduced here-in-below:-

“From the statements of parties got recorded by them in the Court, it appears that complainant and accused have effected voluntary compromise out of their own sweet will, without any pressure and coercion of any manner. It is further submitted that there is only one accused namely Sohan Singh in the present FIR. It is further submitted that accused never been declared proclaimed person in the present FIR. It is further submitted that except the present FIR, there is no other case pending against the present accused. ”

Learned counsel for the petitioner contends that the dispute has been amicably settled between the parties in terms of compromise contained at Annexure P-2. The petitioner and respondent No.2 are neighbours and an amicable settlement will help in maintaining cordial relations between them in future.

Learned counsel appearing 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 of neighbourers 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. 0175 dated 03.09.2021 under Sections 354, 323 and 506 IPC registered at Police Station City Rupnagar, District Rupnagar 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.

29.11.2022
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(VIVEK PURI)
JUDGE

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