

CRM-M-14195-2022

Date of decision: 02.08.2022

SANJU

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Chetan Kapoor, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

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

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.76 dated 07.09.2020 under Sections 354/451/506 IPC, 1860, registered at Police Station Handesra, District SAS Nagar and all the consequential proceedings arising therefrom, on the basis of compromise.

Briefly, the FIR has been registered on the allegations that on 06.09.2020, the petitioner entered the house of respondent No.2 and outraged her modesty.

On 04.04.2022, parties were directed to appear before the Trial Court/Illaq 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 compromise.

In compliance of the order dated 04.04.2022, learned Judicial

submitted the report, the relevant para whereof reads as under:-

“In view of the above said order, accused/Petitioner Sanju son of Sh. Joginder Ram, resident of Village Basouli, Tehsli Dera Bassi, Distt. SAS Nagar (Mohali) and complainant Karamjit Kaur wife of Mange Ram, resident of Village Basouli, Tehsil Dera Bassi, Distt. SAS Nagar (Mohali) came present alongwith their respective counsel in the court and statements of both the parties have been recorded on 02.05.2022. After going through the statements of the parties and compromise dated 18.01.2022 i.e. Mark P3, it is observed that the matter has been compromise between the parties voluntarily. All the grievances have been settled amicably between the parties without any coercion or undue influence.

It is further submitted that statement of complainant Karamjit Kaur wife of Mange Ram, resident of Village Basouli, Tehsil Dera Bassi, Distt. SAS Nagar (Mohali) has also been recorded separately who has stated in her statement that she has no objection if the present case be quashed against accused person.

It is further submitted that statement of ASI Major Singh No. 839/SAS Nagar, Police Station-Dera Bassi was also recorded on 21.05.2022 who has stated in his statement that he is investigating officer in the present case. He further stated that in the present case, neither any FIR nor any criminal case is pending against the accused person. Further, no proclamation proceedings against the said accused is pending. Sanju is only accused in this case. No P.O proceedings are pending in the present FIR/Case against anyone.”

Learned counsel for the petitioner contends that the dispute has been amicably settled between the parties in terms of compromise dated 18.01.2022 (Annexure P-2). The parties are residents of the same village and the amicable settlement will help in maintaining cordial relations between the parties in future.

Learned counsel for 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 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 dispute of the co-villagers 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. 76 dated 07.09.2020 under Sections 354/451/506 IPC, 1860, registered at Police Station Handesra, District SAS Nagar 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.

02.08.2022
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(VIVEK PURI)
JUDGE

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