

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

CRM-M-16379-2022

Date of Decision: 22.08.2022

MANGA SINGH AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Maninder Singh Bajwa, Advocate
for the petitioners.

Mr. Hittan Nehra, Addl. A.G. Punjab.

Mr. J.S. Mahal, Advocate
for respondent No. 2.

VIVEK PURI J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 0246, dated 22.09.2021 registered under Sections 354-B and 34 of Indian Penal Code at Police Station Kotwali Kapurthala, District Kapurthala and all consequential proceedings arising therefrom, on the basis of compromise.

Vide order dated 22.04.2022, passed by this Court, the parties were directed to appear before the trial Court 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 of the compromise.

In compliance of the aforesaid order, report has been received from the court of Ld. Judicial Magistrate Ist Class, Kapurthala and relevant portion of the same is reproduced below:

“1. It is respectfully submitted there are two accused namely Manga Singh s/o Diwan Singh and Gurbachan Singh s/o Diwan Singh as per the FIR.

2. *It is respectfully submitted that as per record no accused has been declared proclaimed offender in the present case. Further IO also stated that no accused was declared proclaimed offender in the present FIR.*
3. *It is respectfully submitted that from the statements of both the parties it appears that the compromise arrived between the the parties is genuine, voluntary and without any coercion or undue influence.*
4. *It is respectfully submitted that as per the statement of the IO the accused persons are not involved in any other FIR.*
5. *It is respectfully submitted that as per the statement of the IO there is one complainant namely Surinder Kaur w/o Kulwinder Singh r/o village Boot, PS Kotwali, Kapurthala and two accused namely Manga Singh s/o Diwan Singh and Gurbachan Singh s/o Diwan Singh both r/o village Boot, PS Kotwali, Kapurthala in the FIR.”*

Briefly, the allegations against the petitioners are to the effect that they are the brothers-in-law of the respondent No. 2. On 21.09.2021, at about 10:30 PM, she was alone in the room, her husband was away for work and the petitioners had torn her clothes and outraged her modesty.

Learned counsel for the petitioners contend that family dispute has been settled between the parties, in terms of the compromise (Annexure P-2). Petitioners are the brothers-in-law of respondent No. 2 and are close relatives. The amicable settlement between the parties will help in maintaining healthy cordial relations between the near relatives.

Learned counsel for respondent No. 2/complainant has not disputed the aforesaid factual aspects and has 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 family dispute of close relatives 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***.

Accordingly the present petition is allowed and FIR No. 0246 dated 22.09.2021 under Sections 354-B and 34 of the Indian Penal Code registered at Police Station Kotwali, District Kapurthala and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

22.08.2022

Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No