

276 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17116-2021
Date of Decision: 26.04.2022

VITUL ... PETITIONER

V/S

STATE OF HARYANA AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sansar Kundu, Advocate for the petitioner.

Mr. Ramesh Kumar, AAG Haryana.

Mr. Vikas Chaudhary, Advocate for respondent Nos.2 to 4.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 136 dated 13.12.2017 under Sections 323, 34 IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 (deleted later on) and 354-A IPC (added later on), Police Station Women, District Jind and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Briefly, the FIR has been registered on the basis of the allegations that on 08.12.2017 at about 6:30 P.M., the petitioner along with the co-accused Meenu had misbehaved with respondent No.3 and also inflicted stick blow on the person of respondent No.4. The FIR has been lodged by respondent No.2 who is the father of respondent Nos.3 and 4.

On 23.04.2021 notice of motion was issued and 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 order dated 23.04.2021, learned Judicial Magistrate First Class, Jind has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

- “1. Petitioner-Vitul and respondents No. 2 to 4 namely Birbhan, Ravina and Sinu appeared before the Court of undersigned to get their statement recorded.
2. The separate statements of complainant-Birbhan, victim Ravina, injured Sinu and accused-Vitul recorded qua the compromise as per the directions of Hon'ble High Court. The statements were recorded after ensuring that the parties to the case were deposing voluntarily and without any pressure, coercion or undue influence. The parties have stated that they have compromised the matter voluntarily. The parties have been duly identified by their counsels. Further, the photocopy of Aadhar Card of complainant, victim, injured and accused have been taken on record to establish their identity.
3. As per the respective statements of complainant, victim, injured and accused, the compromise seems to have been effected voluntarily and further seems to be genuine compromise.
4. The complainant Birbhan, victim Ravina and injured Sinu stated to have compromised the matter only with accused Vitul and accused Meenu has expired on 17.01.2021. The death report of accused Meenu has been verified through SHO concerned upon the death certificate of accused Meenu.
5. Statement of IO/SI Prem Kumari verified/attested by learned APP for the State also recorded. AS per her statement, no other criminal case is pending against accused Vitul and except complainant Birbhan, victim Ravina and Sinu and accused Vitul and Meenu (since deceased) no other person is/was involved in the present case.”

Learned counsel for the petitioner contends that the dispute has been amicably settled between the parties in terms of Panchayati compromise, Annexure P-2. Initially, the case was registered under Section 8 of Protection of Children from Sexual Offences Act but subsequently, the

same has been deleted and the offence under Section 354A IPC has been added. The parties are residents of the same village and amicable settlement will help in maintaining cordial relations between them in future.

Learned counsel for respondent Nos.2 to 4 has acknowledged this fact and has stated that he has no objection if the aforementioned 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 (Annexure P-2). The compromise is without any pressure and is 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 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. 136 dated 13.12.2017 under Sections 323, 34 IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 (deleted later on) and 354-A IPC

(added later on), Police Station Women, District Jind and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

26.04.2022

Janki

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No