

CRM-M-15640-2019

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

**CRM-M-15640-2019
Date of Decision: 28.07.2022**

**OM PARKASH AND OTHERS ... PETITIONERS
V/S
STATE OF HARYANA AND OTHERS ... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Neha Rana, Advocate for
Mr. R.N.Lohan, Advocate for the petitioners.
Mr. Vikas Bhardwaj, AAG Haryana.
Mr. Deepak Kundu, 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. 165 dated 14.10.2018 under Sections 323, 341, 354-B, 506, 509, 34 IPC registered at Police Station Garhi, District Jind and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-5).

Briefly, as per the allegations of prosecution, on 13.10.2018, the petitioners had outraged the modesty of respondent No.2 and also inflicted injuries upon her mother-in-law and husband i.e. respondent Nos. 3 and 4 respectively.

On 30.08.2019, 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 30.08.2019, learned Judicial

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Magistrate Ist Class, Narwana has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“It is submitted that I am satisfied that the matter has been settled between the parties amicably/voluntarily and without any threat or coercion. It is further submitted that none of the parties has been declared as proclaimed offender in the present case. ”

Learned counsel for the petitioners contend that the dispute has been amicably settled in terms of compromise, Annexure P-5. The parties are residing in neighbourhood in 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 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

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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. 165 dated 14.10.2018 under Sections 323, 341, 354-B, 506, 509, 34 IPC registered at Police Station Garhi, District Jind and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

28.07.2022

Janki

**(VIVEK PURI)
JUDGE**

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