

CRM-M-43966-2018

Date of decision: 18.07.2022

BALJINDER SINGH @ SABHI

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. J.S.Mahal, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. M.S. Bajwa, Advocate for respondent No.2.

VIVEK PURI,J. (ORAL)

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.48 dated 25.09.2016 under Section 354 IPC (451 of IPC added later on) registered at Police Station Kalanaur, District Gurdaspur and all the consequential proceedings arising therefrom, on the basis of compromise.

Briefly, the FIR has been registered on the allegations that on 21.09.2016, the petitioner had committed trespass in the house of respondent No.2 and outraged her modesty.

On 05.10.2018, 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 05.10.2018, learned Judicial

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

“In view of the above-mentioned order, statement of complainant Sonia wife of Harjit Singh, who was identified by her counsel Sh. Gurbachan Singh was recorded in which she stated that present FIR No. 48 dated 25.09.2016 was registered on her statement given to the police against accused Baljinder Singh and now with the intervention of respectable persons of the locality the matter has been compromise with the accused, and she has entered into compromise with accused out of her own free will and without undue pressure or influence from any side, and she has no objection if the FIR in the present case is quashed against the accused.

Similarly, accused Baljinder Singh, who was identified by his counsel Sh. Baljinder Singh, Advocate, made statement that with the intervention of respectable persons of the locality, the matter has been compromised with the complainant.”

Learned counsel for the petitioner contends that dispute has been amicably settled between the parties with the intervention of the respectables of the area and the relatives in terms of compromise dated 17.08.2018 (Annexure P-2). The compromise has been effected without any threat, pressure or coercion. 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. 48 dated 25.09.2016 under Section 354 IPC (451 of IPC added later on) registered at Police Station Kalanaur, District Gurdaspur 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.

18.07.2022
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(VIVEK PURI)
JUDGE

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