

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22118-2019 (O&M)

Date of Decision: 21.09.2022

JASKARAN SINGH AND OTHERS

... PETITIONERS

VS.

STATE OF U.T.CHANDIGARH AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Himmat Deol, Advocate for
Mr. R.B.Gautam, Advocate
for the petitioners.

Mr. Rajeev Anand, APP for U.T.Chandigarh.

Mr. Gagandeep Goel, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner are seeking to quash the FIR No.446 dated 18.12.2017 under Section 341/354-D/365/511 and 34 IPC registered at Police Station Sector-36, Chandigarh and all the consequential proceedings arising therefrom on the basis of compromise.

Briefly, the FIR has been registered on the allegations that on 18.12.2017, the petitioners had been stalking the complainant while both the parties were travelling in a car.

On 01.06.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 01.06.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Chandigarh, has sent the report and the relevant portion whereof reads as under:-

“It is respectfully submitted that the aforesaid FIR was lodged by complainant Ashu Priya @ Ashu Arya against three accused namely Jaskaran Singh, Gurdass Singh and Karambir Singh only and none of

them is a proclaimed offender. Also, the accused are not involved in any other case. Keeping in view all aspects and statements of the complainant, and accused Jaskaran Singh, Gurdass Singh and Karambir Singh, I am of the considered view that compromise is genuine and has been freely entered into between the parties without any undue influence, coercion or pressure of any kind. Also, the statements of the parties are bonafide and are not result of any threat or coercion.”

Learned counsel for the petitioners contend that the dispute between the parties has been amicably settled in terms of the compromise contained at Annexure P-2. Respondent No.2 is aged about 45 years and the petitioners are young persons. The compromise has been effected with the intervention of the respectables.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further 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 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)***

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.446 dated 18.12.2017 under Section 341/354-D/365/511 and 34 IPC registered at Police Station Sector-36, Chandigarh and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

21.09.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No