

302 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25866-2022
Date of Decision: 29.09.2022

SANJEEV SHARMA ... PETITIONER
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Neeraj Sheoran, Advocate, for the petitioner.
Mr. Karan Garg, AAG Haryana.
Mr. Bhaskar Sorout, Advocate, for the complainant.
* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 40 dated 17.02.2020 under Sections 354-A/354-D and 506 IPC registered at Police Station Sushant Lok, Gurgaon and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Briefly, the FIR has been registered on the allegations that the petitioner was having an evil eye upon respondent No.2 and stalking her.

On 18.07.2022, 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 18.07.2022, learned Chief Judicial Magistrate, Gurugram has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“i) There is only one person arrayed as accused in present case namely, Sanjeev Sharma.

- ii) Accused Sanjeev Sharma was never declared proclaimed offender.
- iii) The compromise is genuine and entered into between the parties voluntarily and without any coercion or undue influence.
- iv) Accused Sanjeev Sharma is not involved in any other FIR,
- v) As per the statement of the Investigating Officer there is only one complainant/victim in the present case namely, Sureta. ”

Learned counsel for the petitioner contends that the dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The petitioner and respondent No.2 are colleagues and earlier residing in the neighbourhood. With the intervention of the respectables, the differences and misunderstanding have been sorted out. In the event, the FIR is quashed, it will help them in maintaining cordial and harmonious relationship in future.

Learned counsel for respondent No.2 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 private 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.40 dated 17.02.2020 under Sections 354-A/354-D and 506 IPC registered at Police Station Sushant Lok, Gurgaon and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

29.09.2022

Janki

(VIVEK PURI)
JUDGE

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