

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24694-2019

Date of Decision: 01.04.2022

SATNAM SINGH @ SONU AND OTHERS ... PETITIONERS
VS.

STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Prateek Pandit, Advocate, for the petitioners.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Ms. Gagandeep Kaur, Advocate for
Mr. Nitin Rampal, 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. 53 dated 01.07.2018 under Sections 323/324/354/34 IPC registered at Police Station Begowal, District Kapurthala on the basis of compromise.

Briefly, the FIR has been registered on the basis of the statement of respondent No.2 alleging that on 29.06.2018 at about 4:15 P.M., the petitioners had inflicted injuries upon her and torn her shirt with an intention to outrage her modesty.

On 20.08.2019, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/Duty Magistrate/trial Court.

In compliance of the order dated 20.08.2019, the statements of the parties have been recorded and the learned Sub Divisional Judicial Magistrate, Bholath, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“In compliance of the said order, on 31.08.2019,

parties have appeared and their statements under the identification of their respective counsel were recorded. As per their statements, the compromise has been arrived in between the parties voluntarily without any pressure or coercion through the respectables of the locality. Further, it is hereby intimated that as per the statement of ASI Prem Singh, No.343/Kpt, PS Sadar Phagwara, District Kapurthala, the present FIR was registered on the complaint of complainant Balwinder Kaur w/o Lakhwinder Singh against three accused namely Satnam Singh @ Sonu s/o Kashmir, Raghu s/o Tarsem Kushal @ Vishal s/o Gurmeet and none of the person of the parties to the present petition has ever been declared as proclaimed offender. In this regard, statement of ASI Prem singh has also been recorded. Original statements of both the parties, recorded in this Court, are being sent herewith. This is for your kind information and necessary action.”

It has been contended by the learned counsel for the petitioners that Vishal petitioner No.3 is also known by the name of Kushal as reflected in the FIR and has also emerged in the statement of the Investigating Officer which has been recorded by the learned trial Court. It has been further contended that the dispute has been amicably settled. The petitioners and respondent No.2 are the residents of the same village and an amicable settlement will help in maintaining the cordial relations between them in future and furthermore, the dispute between the residents of the same village has been amicably settled.

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

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. 53 dated 01.07.2018 under Sections 323/324/354/34 IPC registered at Police Station Begowal, District Kapurthala and all the subsequent 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.

01.04.2022
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(VIVEK PURI)
JUDGE

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