

CRM-M-29988-2020

Date of decision: 02.06.2022

NITESH KUMAR SINGH @ SHALU

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Bhupinder Kaur, Advocate for
Mr. Amit Dhawan, Advocate for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Ms. Vritika Verma, Advocate for
Mr. Prabhjot Singh Bedi, Advocate for respondent No.2/complainant.

VIVEK PURI, J. (ORAL)

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No. 60 dated 28.05.2019 under Section 354-C IPC, 1860 and Section 67(A) of Information and Technology Act, 2000, registered at Police Station Division 5, Police Commissionerate Jalandhar and all the consequential proceedings arising therefrom, on the basis of compromise.

Briefly, the FIR has been registered on the allegations that the petitioner and respondent No.2 were on talking terms and the petitioner had asked respondent No.2 to solemnize marriage with him. He was informed that the parents of respondent No.2 have performed the engagement with someone else. The marriage of respondent No.2 was solemnized with Aman on 22.04.2019 which annoyed the petitioner. On 16.05.2019, the petitioner had clicked the photographs of respondent No.2 in his mobile phone and threatened to send the same to the family of her in-laws. On 26.05.2019, the petitioner sent the photographs to the father-in-law of respondent No.2.

On 21.01.2022, 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 21.01.2022, learned Principal Magistrate, Juvenile Justice Board, Jalandhar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“In compliance to the order dt.28.09.2020 passed in CRM M-29988 of 2020, the statement of complainant-Simran and juvenile Nitesh Kumar recorded before the board regarding compromise. Both of them have authenticated the compromise mark A and complainant has submitted that she has no objection if the FIR qua juvenile be quashed. ”

Learned counsel for the petitioner contends that the dispute has been amicably settled between the parties in terms of compromise dated 13.03.2020 (Annexure P-2). The date of birth of the petitioner is 05.07.2002 as per Adhaar Card. The year of birth of respondent No.2 has been depicted as 1999 in the Adhaar Card. The statements of the parties have been recorded after they had attained the age of majority. The petitioner and the parental family of respondent No. 2 are residing in the same locality and are neighbourers. Respondent No. 2 has solemnized marriage and is happily residing in her matrimonial house.

In the event, the matter is amicably settled, it will help in maintaining cordial relations between the parties in future.

Learned counsel for respondent No.2 states that she 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 private dispute of the neighbourers 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. 60 dated 28.05.2019 under Section 354-C IPC, 1860 and Section 67(A) of Information and Technology Act, 2000, registered at Police Station Division 5, Police Commissionerate Jalandhar 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.

02.06.2022
renubala

(VIVEK PURI)
JUDGE

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