

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(236)

CRM-M-40084-2021

Date of Decision:- 07.02.2022

Gurpreet Singh and another

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sumeetpal Singh Khaira, Advocate
for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab
for respondent No.1.

Mr. Kunal Choksi, Advocate for
Mr. Arshvir Singh Sandhu, Advocate for respondent No.2.

...

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.0037 dated 29.03.2019 registered for offences under Sections 354, 354-A, 354-D, 341, 506 and 34 of the Indian Penal Code, 1860, at Police Station Bassi Pathana, District Fatehgarh Sahib, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 17.09.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that though serious allegations of outraging the modesty, sexual harassment and stalking have been levelled against the petitioners, but a perusal of the compromise, Annexure P-2, arrived at between the parties shows that the genesis of dispute was some monetary transaction, which has now been settled. He submits that the parties have recorded their statements before the Trial Court pursuant to order passed by this Court on 24.09.2021, whereby a report has been called for from the Trial Court/Illaqa Magistrate regarding the genuineness of the compromise and as to whether any P.O. proceedings are pending.

Upon instructions received from, SI, Rajwant Singh, State counsel submits that the challan has been presented, charge has been framed and four out of fourteen prosecution witnesses, including the complainant have stepped into the witness box. As per his instructions, the complainant supported the case of the prosecution, though later the compromise, Annexure P-2, was effected.

Counsel representing the complainant-respondent No.2 does not have any objection in case the FIR is quashed.

Heard counsel for the parties.

Pursuant to order passed by this Court on 24.09.2021, a report has been received from the Trial Court, the relevant extract of which is as under:-

“After going through the statements suffered by the parties, this Court is of the view that a genuine and valid compromise has been effected between the parties, which is without any pressure or undue influence of any manner upon either of the party.”

Trial Court has also reported that P.O. proceedings are not pending against any accused in the present FIR.

Supreme Court in *Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543* has held that the High Court has wide power under Section 482 of the Code of Criminal Procedure, 1973 to quash an FIR or complaint having predominantly civil flavour or involving disputes wherein the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In *Ramgopal and another Versus The State of Madhya Pradesh 2021 SCC Online 834*, Supreme Court has held that limited jurisdiction to compound an offence within the framework of Section 320 Cr.P.C. is not an embargo against invoking inherent powers by the High Court vested in it under Section 482 Cr.P.C.

Considering the fact that the dispute between the parties is regarding a financial transaction, this Court is of the view that despite grave allegations having been levelled in the FIR, no purpose would be served in continuing with the criminal proceedings.

Accordingly, the petition is allowed. FIR No.0037 dated 29.03.2019 registered for offences under Sections 354, 354-A, 354-D, 341, 506 and 34 of the Indian Penal Code, 1860, at Police Station Bassi Pathana, District Fatehgarh Sahib, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

07.02.2022

Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No