

272 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39929-2021
Date of Decision: 30.09.2022

HARMEET SINGH ... PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gulzar Mohammad, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Rajesh Gupta, Advocate for respondent Nos.2 to 4.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No.169 dated 18.07.2018 under Sections 323, 354 and 506 IPC registered at Police Station Sadar Khanna, Police District Khanna, District Ludhiana, 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 on 05.05.2018, the petitioner had outraged the modesty of respondent No.2 and also inflicted injuries upon the person of respondent Nos. 2 to 4 .

On 30.11.2021, 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 30.11.2021, learned Judicial

Magistrate 1st Class, Khanna has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“(i) The name of the complainant and all the accused arrayed in the FIR: whether all of them have appeared and made their respective statements in support of the compromise so effected between them.

As per the record, the name of the complainant is Manjit Kaur and from the perusal of FIR on record, there is only one person arrayed as accused in the present FIR i.e. Harmeet Singh son of Harnam Singh.

(ii) Whether any of the accused has been declared as proclaimed offender.

As per the statement of complainant, no accused has been declared PO.

(iii) The stage of trial proceedings:

As per the perusal of file, the present case is at the stage of the prosecution evidence.

iv) If the compromise so arrived at between the parties is genuine, voluntarily and out of free will.

It is hereby submitted that statements were recorded in which the complainant Manjit Kaur and eye witnesses namely Kamaljit Kaur and Rajdeep Kaur and the accused namely Harmeet Singh expressed themselves having reached a compromise. As such, the said compromise ex facie seems to be genuine, voluntary and out of the free will.”

Learned counsel for the petitioner contends that the matter has been amicably settled in terms of compromise, Annexure P-2. The parties are stated to be residents of the same village and amicable settlement will help in maintaining cordial relations between them in future.

Learned counsel for respondent Nos.2 to 4 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 dispute of the co-villagers 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.169 dated 18.07.2018 under Sections 323, 354 and 506 IPC registered at Police Station Sadar Khanna, Police District Khanna, District Ludhiana, and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

30.09.2022

Janki

**(VIVEK PURI)
JUDGE**

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