

267 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31640-2019
Date of Decision: 17.08.2022

MOHD. SUDAGAR @ GORU ... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Mohd. Salim, Advocate for the petitioner.

Mr. Karanbir Singh, AAG Punjab.

Mr. Puneet Pali, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 61 dated 09.05.2014 under Sections 354, 342, 506 IPC registered at Police Station Amargarh, District Sangrur and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Briefly, as per the allegations of the prosecution, the complainant is aged about 19 years and on 09.05.2014, the petitioner had caught hold her, dragged to her house and outraged her modesty.

On 26.07.2019, 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 26.07.2019, learned Judicial

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

“In view of statement of complainant Nazma and accused Mohd. Saudagar @ Goru, it is apparent that the matter has been compromised between the parties. In light of their statements compromise between the parties is result of free volition of the parties and without any inducement, threat or pressure. There is only accused in the present case namely Mohd. Saudagar @ Goru. Earlier he was declared proclaimed offender vide order dated 22.10.2014 however, now he has been released on bail vide order dated 15.07.2019.”

Learned counsel for the petitioner contends that the dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. They are residents of the same village and amicable settlement will help in maintaining cordial relations between them in future. It has been further stated that at the earlier instance, the petitioner was declared proclaimed offender but subsequently he has been granted bail vide order dated 15.07.2019.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is quashed.

Even the report of learned Judicial Magistrate indicates that the petitioner was declared proclaimed offender on 22.10.2014 but subsequently, he has been granted bail vide order dated 15.07.2019.

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 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. 61 dated 09.05.2014 under Sections 354, 342, 506 IPC registered at Police Station Amargarh, District Sangrur and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

17.08.2022

Janki

**(VIVEK PURI)
JUDGE**

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