

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-15119-2022 in/and
CRM-M-39296-2020
Date of Decision: 02.05.2022**

BALVIR KHAN AND OTHERS ... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Manpreet Kaur, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr.N.S.Gill, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

CRM-15119-2022

Through present application, the applicant/petitioners are seeking preponement of date of hearing in the main case.

Notice in the application.

Ms. Ruchika Sabherwal, AAG, Punjab, accepts notice on behalf of respondent No.1-State and Mr. N.S.Gill, Advocate also accepts notice on behalf of respondent No. 2.

By recording no objection from the learned State counsel as well as counsel for respondent No. 2, the main petition is taken up on Board today itself.

Application is disposed of.

CRM-M-39296-2020

Through instant petition, the petitioners are seeking to quash the FIR No.277 dated 07.10.2020 under Sections 452/354/506/34 IPC

registered at Police Station Samana, District Patiala and all the consequential proceedings arising therefrom on the basis of compromise.

Briefly, the FIR has been registered on the allegations that on 11.09.2020, the petitioners had committed house trespass, outraged the modesty of respondent No.2 and also threatened to kill her.

On 31.03.2021, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/Duty Magistrate.

In compliance of the order dated 31.03.2021, the statements of the parties have been recorded and the learned Chief Judicial Magistrate, Samana, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“Accordingly, in compliance of the above said orders of Hon'ble High Court dated 31.03.2021, statements of complainant and accused persons were recorded, who had stated that they have compromised the matter relating to FIR No. 277, dated 07.10.2020, P.S. Sadar Samana, under Sections 452, 354, 506 and 34 of IPC. Complainant stated that copy of compromise deed is Mark-D1 and Mark-D2, which has been effected by complainant out of her free will and consent and without any pressure and inducement from any corner. Complainant stated that she has no objection, if the above said FIR against the accused persons is quashed.

Similarly accused persons have also suffered statement to the effect that they have compromised the matter with the complainant.

Statement of IO/ASI Harwinder Singh, No. 2721/Patiala recorded as per which no accused person is declared as proclaimed offender in this case.

From the statements of the complainant and accused persons, I am satisfied that the compromise between the parties is genuine and valid, voluntary and without any coercion or undue influence from any corner.”

Learned counsel for the petitioners contend that the dispute has been amicably settled in terms of compromise contained at Annexures P-2 and P-3. Respondent No.2 is the cousin of petitioner No.1 and an amicable settlement will help in maintaining the cordial relations between the parties in future.

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 dispute between the relatives 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.277 dated 07.10.2020 under Sections 452/354/506/34 IPC registered at Police Station Samana, District Patiala and all the consequential 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.

02.05.2022
smriti

(VIVEK PURI)
JUDGE

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