

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-46737-2021

Date of Decision: March 25, 2022

Gurpreet Singh

... *Petitioner*

Versus

State of Punjab and another

... *Respondents*

CORAM: HON'BLE MR.JUSTICE VIVEK PURI

Present: Mr. A.S. Brar, Advocate,
for the petitioner.

Mr. V.G. Jauhar, Sr.DAG, Punjab

Mr. C.S. Jattana, Advocate,
for respondent no.2.

*(The case has been taken up through video
conferencing on account of Covid-19
Pandemic).*

- . -

Vivek Puri, J.

The petitioner has approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure (for short ('Cr.P.C.)) invoking its inherent jurisdiction for quashing of F.I.R. No. 23 dated 11.02.2018, registered under Sections 354, 354-B of the Indian Penal Code, IPC at Police Station City

Moga, District Moga along with all consequential proceedings, on the basis of compromise dated 02.09.2021 (Annexure P-3).

Precisely, the case has been registered on the allegations that on 09.02.2018 at about 4.30 P.M., the respondent no.2 was sitting in a bus of Roadways of Barnala Depot from Bus Stand Moga for proceeding towards her village. There was no other passenger in the bus at that time. The petitioner was working as a conductor on the bus and he outraged modesty of the respondent no.2. Consequently, the aforesaid FIR was registered.

The petitioner was convicted under Sections 354 and 354-B of the Indian Penal Code in terms of the judgment dated 09.08.2021 and and sentenced as following:-

<i>Offence</i>	<i>Sentence</i>	<i>Fine</i>	<i>Sentence in default of payment of fine</i>
<i>354 IPC</i>	<i>Rigorous imprisonment for one year</i>	<i>Rs. 500/-</i>	<i>To further undergo rigorous imprisonment for one month.</i>
<i>354-B IPC</i>	<i>Rigorous imprisonment for three years.</i>	<i>Rs. 1000/-</i>	<i>To further undergo rigorous imprisonment for two months.</i>

Aggrieved by the aforesaid judgment of conviction and order of sentence, the petitioner has preferred a criminal appeal which is now pending in the court of learned Additional Sessions Judge, Moga.

On 14.12.2021, notice of motion was issued and the private parties were directed to appear before the learned Additional Sessions Judge, Moga where the appeal is pending for recording their statements with regard to compromise/settlement and it was further directed that after recording their statements, the learned Appellate Court shall send the following information:-

- "1. Number of persons arrayed as accused in FIR;*
- 2. Whether any accused is proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other case or not;*
- 5. The Appellate Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR."*

In compliance of the order dated 14.12.2021, both the parties have appeared before the learned Additional Sessions Judge, Moga and got their statements recorded. The learned Additional Sessions Judge, Moga after recording the statements of the parties, has sent the report dated 04.02.2022 and the relevant portion thereof is reproduced herein below:-

"It is further respectfully submitted that:-

- 1) As per judicial file, one person namely Gurpreet Singh is arrayed as accused in the aforesaid FIR,*
- 2) As per statement of Investigating Officer ASI Raj Kaur, accused has not been declared as proclaimed offender in the present case,*
- 3) In the light of statements suffered by both the parties, this court seems that compromise effected between the parties is genuine and free from any kind of threat, coercion and undue pressure etc.*
- 4) No other case except the present case is pending accused accused,*
- 5) As per statement of Investigating Officer ASI Raj Kaur, there is only one complainant/victim in the present FIR."*

After hearing the learned counsel for the parties and going through 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 of the Code of Criminal Procedure, so as to secure the ends of justice because the parties have arrived at an out of the Court settlement by way of compromise (Annexure P-3). The compromise is genuine one and has been voluntarily executed by the parties without any pressure or undue influence.

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** and **Narinder Singh and others Vs. State of Punjab and another 2014(6) SCC 466**.

In the decision rendered in *Sube Singh and another Vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102*, the Division Bench of this Court has laid down as following:-

"17. The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Criminal Procedure Code with a view to prevent the abuse of law or to secure the ends of justice, however,

is wide enough to include its power to quash the proceedings in relation to not only the non-compoundable offences notwithstanding the bar under Section 320 Criminal Procedure Code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and invoking of such power is fully justified on facts and circumstances of the case."

Furthermore, in the recent decision rendered in ***Ramgopal and another Vs. State of Madhya Pradesh, 2021 SCC OnLine SC 834***, it has been held by the Supreme Court that non compoundable criminal cases of pre-dominantly private nature can be quashed under Section 482 Cr.P.C. even if compromise is reached after conviction.

It may be mentioned here that in the normal course of events, this Court may not have been inclined to quash the FIR in case of non-compoundable offence involving the crime which is heinous and serious in nature. However, in the case in hand, the matter has been amicably settled between the parties with the intervention of respectables and relatives. In such circumstances, the compromise will go a long way

in maintaining cordial and harmonious relations between the parties.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, F.I.R. No. 23 dated 11.02.2018, registered under Sections 354 and 354-B of the Indian Penal Code, at Police Station City Moga, District Moga along with all consequential proceedings, on the basis of compromise dated 02.09.2021 (Annexure P-3) effected between the parties, is ordered to be quashed, as well as, the judgment of conviction and order of sentence dated 09.08.2021 (Annexure P-2) passed by the learned Chief Judicial Magistrate, Moga are set aside. The petitioner is acquitted and fine, if any, deposited be refunded. Furthermore, the appeal preferred by the petitioner against the judgment of conviction and order of sentence dated 09.08.2021 would be rendered infructuous and shall be so declared by the learned Additional Sessions Judge where the appeal is pending.

Resultantly, with the above-said observations made, the instant petition stands allowed.

March 25, 2022
vkd

(VIVEK PURI)
JUDGE

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