

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43345-2022

Date of Decision: 13.12.2022

VISHNU KUMAR ALIAS VISHNU ... PETITIONER
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Prateek Sodhi, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Gagandeep Jammu, Advocate for
Mr. Manoj Singla, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioner is seeking to quash the FIR No.84 dated 25.04.2021 under Section 354 IPC registered at Police Station Majitha Road, Police Commissionerate, Amritsar and all the consequential proceedings arising therefrom on the basis of compromise.

On 19.09.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court

In compliance of the order dated 19.09.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Amritsar has sent the report and the relevant portion whereof is reproduced here-in-below:-

*“As regards information desired by the
Hon'ble High Court:-*

*(i) Number of persons arrayed as accused in
the FIR*

As per statement of the investigating officer

only one person namely Vishnu Kumar @ Vishnu has been arrayed as accused in the present FIR.

(ii) Whether any accused is proclaimed offender

As per statement of the investigating officer the above named accused has not been declared a proclaimed offender in the present case nor are any such proceedings pending against him.

(iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence.

The compromise thus appears to be genuine and valid and voluntary and out of free will and volition of the parties and without any kind of inducement, threat, coercion or undue pressure or influence.

(iv) Whether the accused persons are involved in any other FIR or not.

As per statement of the investigating officer above named accused is not involved in any other FIR.

(v) The Trial Court was also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

As per statement of the investigating officer, there is only one victim/complainant in the present FIR namely Komal.”

Learned counsel for the petitioner contends that respondent No.2 is aged about 23 years and allegations are to the effect that the petitioner had been harassing respondent No.2 to develop physical relations and had also caught hold her arms. It has been stated that the dispute has been amicably settled between the parties in terms of compromise contained

at Annexure P-2. Petitioner and respondent No.2 had been studying together and were on friendly terms at earlier instance and an amicable settlement will help in maintaining cordial relations between the parties in future.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that she 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 private dispute 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.84 dated 25.04.2021 under Section 354 IPC registered at Police Station Majitha Road, Police Commissionerate,

Amritsar and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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

13.12.2022
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(VIVEK PURI)
JUDGE

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