

247 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50365-2021
Date of Decision: 21.04.2022

AJAY GUPTA ... PETITIONERS
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Akshit Aggarwal, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Ms. Poorva Gupta, Advocate for
Mr. Rishabh Goel, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 184 dated 11.05.2015 U/s 354-B IPC, P.S. Rai, District Sonapat and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Briefly, the FIR was registered on the allegations that petitioner is working as a Physiotherapist in O.P.Jindal Global University where the respondent was a student. The allegations of outraging the modesty have been levelled during the course of some physiotherapy session.

On 02.12.2021 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 02.12.2021, learned Addl. Chief Judicial Magistrate, Sonapat has recorded the statements of the parties and submitted his report. As per the report, the statements of the parties have been recorded and the compromise has been effected without any threat, duress or coercion in any manner. It has also been reported that the compromise is genuine, voluntary, without any coercion or undue influence and valid one. It has also been reported that there is only one accused i.e. the petitioner, no other case has been registered against him and there is no proclaimed offender in the present FIR and the respondent No.2 is the only victim/complainant.

Learned counsel for the petitioner contends that the dispute has been amicably settled between the parties in terms of Deed of Settlement/Memorandum of Understanding, Annexure P-2. The dispute between the parties has been resolved and amicable settlement will help in maintaining cordial relations between them in future.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that she 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 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. 184 dated 11.05.2015 U/s 354-B IPC, P.S. Rai, District Sonapat and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

21.04.2022

Janki

(VIVEK PURI)
JUDGE

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