

295 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49993-2021
Date of Decision: 17.10.2022

GURMAIL SINGH

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Pankaj Bains, Advocate for
Mr. Mohd. Jameel, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A.G. Punjab.

Mr. Paras Sharma, 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. 146 dated 13.09.2021, under Sections 354/292/509 IPC, 1860, registered at Police Station Amargarh, District Sangrur and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Briefly, the allegations as putforth in the FIR are to the effect that respondent No.2 is aged about 24 years and was working as Trainer in IELTS in Passion Institute, Amargarh. The petitioner was the partner of the Institute. On 11.09.2021, the petitioner along with respondent No.2 were travelling in a car. The petitioner had entered into obscene talks and inappropriately touched respondent No.2

On 30.11.2021, 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 30.11.2021, learned Judicial Magistrate Ist Class, Malerkotla has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“1. As per F.I.R., there is only one accused i.e. Gurmail Singh in this case.

2. As per the report of Police of P.S. Amargarh, accused of the present case is not Proclaimed Offender.

3. As per the statement of complainant Harpreet Kaur and accused Gurmail Singh, they have entered into compromise with their own free will and without any pressure or coercion or undue influence. The said compromise seems to be genuine, voluntary and out of free will of the parties.

4. As per the report of P.S. Amargarh, accused is not involved in any other case.

5. As per the statement of I.O, there is only one complainant/victim in this FIR.”

Learned counsel for the petitioner contends that the dispute between the parties has been amicably settled in terms of compromise, Annexure P-2 with the intervention of the respectables. The 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 he 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 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*.

Accordingly, the present petition is allowed and FIR No. 146 dated 13.09.2021, under Sections 354/292/506 IPC, 1860, registered at Police Station Amargarh, District Sangrur and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

17.10.2022

Janki

(VIVEK PURI)
JUDGE

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