

254 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52131-2021
Date of Decision: 30.03.2022

SURJIT SINGH ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Suresh Singla, Advocate for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG Punjab.

Mr. Shubham Gupta, 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. 20 dated 14.02.2016, under Section 354-A IPC, registered at Police Station Raman, District Bathinda and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

Briefly, the FIR has been registered on the allegations that respondent No.2 is working as Horticulture Development Officer and the petitioner is working as Beldar in the same Department. On 12.02.2016, while travelling in the car the petitioner had tried to outrage her modesty and had made inappropriate physical contact on her shoulders.

On 14.12.2021 notice of motion was issued and 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 14.12.2021, learned Sub-Divisional Judicial Magistrate, Talwani Sabo has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“Accordingly, both the parties have appeared before this Court on 25.01.2022. Statements of petitioner/accused, namely, Surjit Singh son of Gurdayal Singh, resident of village Singo, Tehsil Talwandi Sabo, District Bathinda and statement of complainant/respondent no.2, namely, Prabhjot Kaur wife of Yadhwinder Singh son of Avtar Singh, resident of village Bagha, Tehsil Talwandi Sabo, District Bathinda have been recorded. Both the parties have stated that the matter has been compromised between the parties, voluntarily and without any threat, coercion or undue influence. Complainant/respondent no.2 Prabhjot Kaur wife of Yadwinder Singh son of Avtar Singh, resident of Village Bagha, Tehsil Talwandi Sabo, District Bathinda further stated that there is only one accused in the present FIR namely, Surjit Singh son of Gurdayal Singh, resident of village Singo, Tehsil Talwandi Sabo, District Bathinda. Parties have further stated that the present FIR may kindly be quashed on the basis of the compromise effected between the parties.

It is further submitted that statement of ASI Karamjit Singh No.612/BTI, Investigating Officer in the present FIR, has also been recorded. As per the statement of Investigating Officer, there is one accused in the present FIR namely, Surjit Singh son of Gurdayal Singh, resident of village Singo, Tehsil Talwandi Sabo, District Bathinda, who is the petitioner in the present petition. As per the statement of Investigating Officer, none of the accused is declared proclaimed offender and accused/petitioner is not involved in any other FIR. As per the statement of Investigating Officer, there is only one victim/complainant namely, Prabhjot Kaur wife of Yadwinder Singh son of Avtar Singh, resident of Village Bagha, Tehsil Talwandi Sabo, District Bathinda in the present FIR.

It is further submitted that as per the statements of the parties the compromise effected between the parties is genuine, voluntary and without any pressure, coercion or undue influence.”

Learned counsel for the petitioner contends that the dispute between the parties has been amicably settled. The petitioner and respondent No.2 are working in the same Department and the amicable settlement will help in maintaining cordial relations between them.

Learned counsel for respondent No.2 has not disputed the aforesaid 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-3). 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 between the employees of the same Department 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. 20

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dated 14.02.2016, under Sections 354-A IPC, registered at Police Station Raman, District Bathinda and all the consequential proceedings arising therefrom are quashed qua the petitioner.

30.03.2022

Janki

**(VIVEK PURI)
JUDGE**

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