

263 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53567-2021
Date of Decision: 26.04.2022

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

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Maninder Singh Saini, Advocate for the petitioner.

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

Mr. Kunal Mittal, Advocate for
Mr. Varun Goel, 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. 185 dated 27.08.2021 under Section 354-D IPC, Police Station Sirhind, District Fatehgarh Sahib and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Briefly, the aforesaid FIR has been registered on the allegations that the petitioner used to follow the complainant and also pass comments upon her.

On 18.01.2022 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 18.01.2022, learned Judicial

Magistrate First Class, Fatehgarh Sahib has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

- “1) As per statement of SI Harmanpreet Kaur there is only person namely Harbhajan Singh son of Sana arrayed as accused in the above noted FIR.
- 2) As per the statements of both the parties as well as SI Harmanpreet Kaur, no accused was/is declared as proclaimed offender in the above noted FIR.
- 3) As per the statements of both the parties as detailed above, the compromise arrived at between the parties, is genuine, voluntary, and without any coercion of undue influence.
- 4) As per the statement of accused Harbhajan Singh, he is not involved in any other criminal case except the present case. Further as per the statement of SI Harmanpreet Kaur, the accused is not involved in any other case except the present case, registered at Police Station Sirhind.
- 4) As per the statement of Investigating Officer SI Harmanpreet Kaur, there is only one complainant as well as victim namely Gurmeet Kaur in the above noted FIR.”

Learned counsel for the petitioner contends that the matter has been amicably settled between the parties in terms of compromise, Annexure P-2 and it is a case of version and cross-version. The parties are residents of the same village 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 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 dispute of the co-villagers has been sought to be amicably settled. It is a case of version and cross-version. 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. 185 dated 27.08.2021 under Section 354-D IPC, Police Station Sirhind, District Fatehgarh Sahib and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

26.04.2022

Janki

**(VIVEK PURI)
JUDGE**

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