

CRM-M-53796-2021

Date of decision: 29.03.2022

SURESH KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Divyam Singh, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Surjit Singh, Advocate
for respondent No.2.

VIVEK PURI,J. (ORAL)

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No. 39 dated 01.06.2019 under Sections 323/34/354/506 IPC, 1860, registered at Women Police Station Assandh, District Karnal and all the consequential proceedings arising therefrom, on the basis of compromise.

Briefly, the case has been registered on the basis of the statement of respondent No.2 alleging that on 29.05.2019, the petitioner along with the co-accused had outrage her modesty.

On 22.12.2021, parties were directed to appear before the Trial Court/Illaq Magistrate 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 and voluntary nature of the compromise.

Magistrate 1st Class, Assandh has recorded the statements of the parties and submitted its report dated 01.02.2022, the relevant para whereof reads as under:-

“(i) As per statement of Investigating Officer and as per record, present FIR No. 39 dated 01.06.2019 was registered against six accused persons namely Gurmish and Suresh sons of Sadhu Ram, Ramesh, Suresh, both resident of village Hatlana, Jasbir resident of village Gullarpur and Roshan resident of village Peont. During investigation, five above named persons except accused Suresh son of Sadhu Ram were found innocent by DSP Assandh and challan was filed in the court against accused Suresh son of Sadhu Ram only.

(ii) No accused has been declared as proclaimed offender in the present FIR.

(iii) The compromise arrived at between the parties is genuine, bonafide, without any pressure and coercion.

(iv) As per statement of Investigating Officer, accused Suresh is not involved in any other case except present case.

(v) As per statement of Investigating Officer and as per record, there is only one complainant/victim in the present FIR.”

Learned counsel for the petitioner contends that the matter in dispute has been amicably settled between the parties. The challan has only been presented against the petitioner and the other co-accused have been found innocent. Respondent No.2 is the sister-in-law of the petitioner and the amicable settlement will help in maintaining healthy cordial relations between the relatives in future.

Learned counsel for respondent No.2 has stated that he has no objection if FIR is quashed.

After hearing the 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 dispute between the relatives 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. 39 dated 01.06.2019 under Sections 323/34/354/506 IPC, 1860, registered at Women Police Station Assandh, District Karnal and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

29.03.2022
renubala

(VIVEK PURI)
JUDGE

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