

CRM-M-54532-2021

Date of decision: 02.08.2022

NAVEEN SHOKEEN AND ANR.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. H.S.Deol, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Adarsh Dubey, Advocate for
Mr. Aman Nandrajog, Advocate for respondent No.2.

VIVEK PURI,J. (ORAL)

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.754 dated 25.11.2017 under Section 354 IPC, 1860, registered at Police Station Civil Lines, Gurgaon, District Gurugram and all the consequential proceedings arising therefrom, on the basis of compromise.

Briefly, the FIR has been registered on the allegations that the petitioners along with others had inappropriately touched respondent No.2 in a restaurant.

On 01.04.2022, 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.

In compliance of the order dated 01.04.2022, learned Additional

Chief Judicial Magistrate, Gurugram has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

*“1) As per the statement of Investigating Officer, Naveen Shokeen, Akhilesh and Shakti had been arraigned as accused in the present case but the name of accused Akhilesh and Shakti were deleted during the investigation;
2) As per the statement of Investigating Officer, none of the accused is proclaimed offender;
3) The compromise so arrived between the parties is genuine, voluntary and without any coercion or undue influence;
4) As per the statement, except the present FIR, no other case is pending or registered against the accused Naveen Shokeen;
5) As per the statement of Investigating Officer Kanika Bhatia is the only victim/complainant in the present FIR.”*

Learned counsel for the petitioners contend that petitioner No.2 has been found to be innocent and the petition qua him has been withdrawn. Furthermore, the dispute has been amicably settled between the parties in terms of compromise dated 01.11.2021 (Annexure P-3). The amicable settlement will help in maintaining cordial relations between the parties in future. Furthermore, in terms of amicable settlement and as a gesture of regret, the petitioner has deposited a sum of Rs. 5,00,000/- with NGO Martha Farrell Foundation.

Learned counsel for respondent No.2 states 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 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***.

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. 754 dated 25.11.2017 under Section 354 IPC, 1860, registered at Police Station Civil Lines, Gurgaon, District Gurugram and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua petitioner No.1 only.

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

02.08.2022
renubala

(VIVEK PURI)
JUDGE

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