

HARSHDEEP SINGH BRAR

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Harpinder S. Jalal, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Harish Goyal, 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. 241 dated 15.10.2016 under Sections 354-D IPC, 1860, registered at Police Station City Faridkot, District Faridkot and all the consequential proceedings arising therefrom, on the basis of compromise.

Briefly, the FIR has been registered on the allegations that the petitioner had been stalking respondent No.2.

On 28.11.2019, 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 28.11.2019, learned Additional Chief

submitted his report, the relevant para whereof reads as under:-

“i) Number of persons arrayed as accused in FIR.

Since challan had been already filed in the case at hand, the police report was also examined. It transpired on the examination of the entire record that the FIR had been registered only against the petitioner and even the challan had been filed exclusively against petitioner. Hence, there is only one accused in the FIR, he being the petitioner.

ii) Whether any accused is proclaimed offender

From the examination of entire record it is revealed that accused/petitioner is facing trial and is currently on bail. He had not been declared a proclaimed offender.

iii) Status of the trial/proceedings.

After the filing of challan(police report), charge against the accused had been already framed and the case is presently fixed for prosecution evidence.

iv) Whether the compromise is genuine, voluntary and without any coercion or undue influence.

The power of attorney of respondent No.2, Rajeev Kaur had placed upon record the original special power of attorney as Annexure-A. Through their respective statements, the petitioner as well as respondent No.2 (through her power of attorney Iqbal Singh) stated in unison that they had entered into a compromise without any extraneous influence, coercion and on their own volition. Complainant/respondent No.2 (through her power of attorney Iqbal Singh) stated in specific terms that she had no objection if the quashing proceedings filed by the petitioner is accepted. Both the parties were identified by their respective advocates. Therefore, from the statements of the parties, it is concluded that the compromise so effected between the parties is genuine, voluntary and without any coercion or undue influence. ”

Learned counsel for the petitioners contend that the dispute has been amicably settled between the parties in terms of compromise dated 09.08.2019 (Annexure P-2). The petitioner and respondent No.2 are residing in the same locality and were also studying in the same college and the amicable settlement will help in maintaining healthy cordial relations between them in future.

Learned counsel for respondent No.2 states that he has no objection if

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. 241 dated 15.10.2016 under Sections 354-D IPC, 1860, registered at Police Station City Faridkot, District Faridkot 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.

23.05.2022
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(VIVEK PURI)
JUDGE

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