

268 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50352-2019
Date of Decision: 21.11.2022

SONU AND OTHERS ... PETITIONERS
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Govind Chauhan, Advocate for the petitioners.
Mr. Dhruv Sihag, AAG Haryana.
Mr. Ankit Aggarwal, 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.57 dated 28.05.2016, under Sections 186/323/34/353/354/354(b)/506 IPC, 1860, registered at Women Police Station, Karnal, District Karnal and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Briefly, the FIR has been registered on the allegations that respondent No.2 is the Sarpanch of Gram Panchayat. Mustafabad. On 28.05.2016, the digging work under MGNREGA Scheme was going on and the petitioners abused, gave beatings, tore the clothes and outraged the modesty of the complainant.

On 24.08.2022 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 24.08.2022, learned Judicial Magistrate First Class, Karnal has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“(i) There are four accused in the present FIR and challan was presented against accused namely Sonu, Jawahar Lal, Jagdish & Diwan Chand.

(ii) No accused was never declared proclaimed offender in the present FIR.

(iii) Yes, the compromise between the parties is valid and genuine and has been effected without there being any kind of influence or coercion.

(iv) No other criminal case is pending against accused persons.

(v) As per statement of IO/ASI Meenu, there is only one complainant namely Simple. ”

Learned counsel for the petitioners contend that dispute has been amicably settled between the parties in terms of compromise dated 10.11.2019 (Annexure P-2). The parties are the residents of the same village and the 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 private dispute of the co-villagers 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.57 dated 28.05.2016, under Sections 186/323/34/353/354/354(b)/506 IPC, 1860, registered at Women Police Station, Karnal, District Karnal and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

21.11.2022

Janki

**(VIVEK PURI)
JUDGE**

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