

**261 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-660-2023

Date of decision: 28.07.2023

RAMVIR @ RINKU

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Shweta Bawa, Advocate for
Mr. Balraj Gujjar, Advocate for the petitioner.

Mr. Ram K. Singla, DAG, Haryana.

Mr. Anubhav Siwech, Advocate for
Mr. Vikas Saroha, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

1. 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.41 dated 23.01.2015 under Section 354 IPC, registered at Police Station Ballabgarh City, District Faridabad and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 09.01.2023, 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.
3. 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.
4. In compliance of the order dated 09.01.2023, learned Additional Chief Judicial Magistrate, Faridabad has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

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“i) Total number of accused arrayed as accused in the FIR is only one namely Rinku @ Rambir. As per statement of IO, accused Rinku @ Rambir has not been declared as proclaimed offender and no such proceedings have been initiated or pending against him.

(ii) As per statements of the parties as referred above, undersigned is of the view that compromise between the parties is genuine, voluntary and without any coercion or undue influence.

(iii) As per statement of IO, accused is not involved in any other FIR.

(iv) As per file, case is pending before this Court for defence evidence.”

5. Learned counsel for the petitioners contend that the FIR has been lodged on the allegations that the petitioner had molested respondent No.2. It has been submitted that the petitioner is the cousin of Monika and respondent No.2 is the sister of Sanjeev. There was a matrimonial dispute between Sanjeev and Monika and in that regard, a criminal case was also registered. The FIR registered in the said criminal case has been quashed by the Co-ordinate Bench of this Court. The present FIR is an offshoot of the matrimonial dispute of the relatives of the parties. The other litigation pending between Sanjeev and Monika has also been withdrawn. An amicable settlement will help in maintaining cordial relations between the parties in future.

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

7. 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

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result in sheer abuse of process of law.

8. 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.

9. 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*.

10. 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.41 dated 23.01.2015 under Section 354 IPC, registered at Police Station Ballabgarh City, District Faridabad and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

28.07.2023

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(VIVEK PURI)
JUDGE

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