

267 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1796-2022

Date of Decision: 12.09.2023

VISHAL KUMAR

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. HPS Ishar, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Jatin, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No.202 dated 19.11.2021, under Sections 354/354-A/354-D/506 IPC and Section 67A of IT (Amendment) Act, 2008 registered at Police Station City -2 Mansa, District Mansa and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 07.07.2023, 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.
3. In compliance of the order dated 07.07.2023, learned Chief Judicial Magistrate, Mansa has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“ It is further submitted that from the statements of the parties, it appears that compromise has been voluntarily entered between the parties. The compromise appears to be genuine and without any pressure or coercion. As per report of IO/Inspector

Pushpinder Kaur, there is only one accused in this case namely Vishal Kumar son of Pawan Kumar. No accused has been declared as a proclaimed person in this case. The accused is not involved in any other case except the present case. There is only complainant/victim in this case. Accused and complainant/victim are parties to the compromise. Challan has not been presented in this case yet. ”

4. Learned counsel for the petitioner contends that as per the allegations, the petitioner had inappropriately touched respondent No.2, taken her obscene photographs by hurling threat and uploading the same on social media. The allegations are with regard to the sexual assault and stalking. The dispute has been amicably settled between the parties and Annexure P-3 is the affidavit of respondent No.2. The petitioner and respondent No.2 are neighbors and amicable settlement will help in maintaining cordial relations between them in future.

5. Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is quashed.

6. 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. 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.

7. 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.

8. For the aforesaid view, this Court finds support from ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, approved by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***.

9. Accordingly, the present petition is allowed and FIR No. 202 dated 19.11.2021, under Sections 354/354-A/354-D/506 IPC and Section 67A of IT (Amendment) Act, 2008 registered at Police Station City -2 Mansa, District Mansa and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

12.09.2023

Janki

(VIVEK PURI)
JUDGE

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