

CRM-M-3518-2020
Date of Decision: 12.07.2023

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Ms. Shazia K. Singh, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

- “Complainant Kiran W/o Vijay Kumar suffered a statement to the effect that the compromise has been effected between her and the accused. She has given the statement without any pressure and with free will.*

Similarly the statement of the accused person namely Baljit Singh S/o Charan Singh was also recorded.

As per the record available with the court of undersigned, there is only one accused in the present case and he is not absconding/PO, in the present case. On the basis of statements given by the accused and the complainant, this Court is of the considered view that compromise between the parties is genuine and is effected voluntarily without any pressure, coercion or undue influence from any quarter. ”

4. Learned counsel for the petitioner contend that the as per the allegations, the petitioner had committed assault upon respondent No.2 within an attempt to disrobe her. Respondent No.2 is aged about 31 years. The dispute has been amicably settled between the parties in terms of the compromise, Annexure P-2. The parties are the residents of the same locality and the amicable settlement will help in maintaining cordial relations between them in future.

5. Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that she has no objection if the 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 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***, upheld by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***.

9. 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.62 dated 15.03.2018 under Sections 354-B and 323 IPC, registered at Police Station Jamalpur and all the consequential proceedings arising therefrom on the basis of the compromise are ordered to be quashed, however, qua the petitioner only.

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

12.07.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No