

270 Neutral Citation No. 2023:PHHC:099636
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7064-2023
Date of Decision:02.08.2023

HARDEEP SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND OTHERS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Gobind Singh Randhawa, Advocate,
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

Mr. Amrit Paul Nahar, Advocate for
Mr. J.S. Mahal, Advocate
for respondent Nos.2 and 3.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking to quash the FIR No.0090 dated 30.09.2021 under Sections 354-B, 294 IPC registered at P.S. Khalra, District Tarn Taran and all the consequential proceedings arising therefrom on the basis of compromise.

2. On 09.02.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/Trial Court.

3. In compliance of the order dated 09.02.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Patti has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. Further SI Karamjit Singh No.1495/T.T. Investigating Officer, presently posted at Police Station Khalra has suffered a statement to the effect that present case has been registered on the basis of state

ment of respondent No.2 Rajbir Kaur wife of Rashpal Singh resident of village Dhun, Tehsil Patti, District Tarn Taran against Hardeep Singh son of Swaran Singh resident of village Dhun, Tehsil Patti, District Tarn Taran. He further stated that there is only one accused person arraigned as accused in the present FIR. He further stated that there is no other accused besides the petitioner in the FIR and parties are not involved or declared proclaimed offender in any other criminal case. He further stated that challan has been presented before the Court.

2. Further as required by Hon'ble Punjab and Haryana High Court, as per the statement of the parties compromise is genuine and not result of any fraud or misrepresentation and is result of free will of the parties. Further as per statement of IO, there is no other accused besides the petitioner in the FIR and parties are not involved or declared proclaimed offender in any other criminal case."

4. Learned counsel for the petitioner contends that as per the allegations, the petitioner had committed sexual assault with an intention to disrobe the respondents No. 2 and 3 and has also conducted himself in a obscene manner. With the intervention of the respectables, the dispute between the parties has been amicably settled in terms of the compromised, Annexure P-2. The parties are the residents of the same village and an amicable settlement will help in maintaining cordial relations between them in future.

5. Learned counsel for respondent Nos.2 and 3 has not disputed the aforesaid factual aspect(s) and further stated that he 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***.

09. 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.0090 dated 30.09.2021 under Sections 354-B, 294 IPC registered at P.S. Khalra, District Tarn Taran and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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

02.08.2023

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(VIVEK PURI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No