

270 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-14769-2023
Date of Decision: 08.08.2023

MANDEEP SINGH

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Abhishek Khullar, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Jasmeet Singh, Advocate for
Mr. Harmanpreet Singh, Advocate
for respondent No. 2.

VIVEK PURI J. (Oral)

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 38, dated 02.03.2022 registered under Sections 354-A of Indian Penal Code and Sections 67, 67(A) of Information Technology Act, 2000 at Police Station Sadar Ludhiana, District Ludhiana and all consequential proceedings arising therefrom, on the basis of compromise.

2. Vide order dated 23.03.2023, passed by this Court, 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 aforesaid order, report has been received from the court of Ld. Judicial Magistrate Ist Class, Ludhiana and relevant portion of the same is reproduced below:

“1. From the persual of the file as well as from the statement of Investigating Officer, it transpires that there is only one accused in the present FIR i.e. Mandeep Singh. There is no other accused apart from the petitioner arrayed in the petition before the Hon'ble High Court.

2. From the persual of the file as well as from the statement of Investigating Officer, it transpires that there is no other aggrieved person in the present FIR except the complainant Balwinder Kaur:

3. As per the statement of the investigating officer, none of the parties are involved in any other criminal case.

4. As per the statement of the investigating officer, none of the parties have been declared proclaimed offender in this case or in any other case.

5. That from the statements suffered before the undersigned, the undersigned is of the considered opinion that the compromise between the parties is genuine and the same has been entered into voluntarily and without any pressure.”

4. Learned counsel for the petitioner contends that as per allegations, the petitioner had been sending sexually explicit messages to respondent No. 2 and harassing her. The private dispute has been amicably settled between the parties in terms of compromise Annexure P-1. The amicable settlement will help in maintaining cordial relations between the parties in future.

5. Learned counsel for respondent No. 2/complainant has not disputed the aforesaid factual aspects and has 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***.

9. Accordingly the present petition is allowed and FIR No. 38, dated 02.03.2022 registered under Sections 354-A of Indian Penal Code and Sections 67, 67(A) of Information Technology Act, 2000 at Police Station Sadar Ludhiana, District Ludhiana and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

08.08.2023
Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No