

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16642-2022
Date of Decision: 12.07.2023

MANDEEP SINGH GREWAL ... PETITIONER
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. D.S.Nigha, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Prabhjot Singh Mann, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking to quash the FIR No.0058 dated 22.04.2020 under Sections 354-A, 354-D, 451, 188, 269 of the Indian Penal Code, registered at Police Station Sadar Jagraon, District Ludhiana Rural on the basis of compromise.
2. On 27.02.2023, the parties were directed to get their statements recorded before the learned trial Court/Duty Magistrate.
3. In compliance of the order dated 27.02.2023, the statements of the parties have been recorded and the learned Sub Divisional Judicial Magistrate, Jagraon, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“After going through the statements of the parties, this Court is satisfied that respondent No.2 namely Amarjit Kaur has effected compromise with petitioner namely Mandeep Singh Grewal with her own free will and without any coercion or pressure from any corner and same is found to be genuine.

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- 1. As per the statement of the parties, investigating officer, Mandeep Singh Grewal is the only accused in the present case.*
- 2. As per the statement of the parties, investigating officer, Amajit Kaur is the only complainant in the present case.*
- 3. As per the statement of the parties and investigating officer, the parties are not involved in any other criminal case.*
- 4. As per the statements of the parties and investigating officer, the parties are not declared proclaimed offender in the present case.”*

4. Learned counsel for the petitioner contends that respondent No.2 is aged about 52 years and the FIR has been registered on the allegations that the petitioner had been committing assault upon respondent No.2 with an attempt to disrobe her. Although, there are allegations to the effect that the petitioner had been making such type of gesture and used to tease the girls of the village but no statement of any such victim has been recorded. The dispute between the parties has been amicably settled in terms of the compromise, 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 No.2 has not disputed the aforesaid factual aspect(s) and further stated that she has no objection if the FIR is quashed.

6. Learned State counsel, on instructions from ASI John Masih, also submits that the respondent No.2 is only victim in the instant case and statement of no other person imputing allegation against the petitioner has been recorded during the course of investigation.

7. 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.

8. The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the 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.0058 dated 22.04.2020 under Sections 354-A, 354-D, 451, 188, 269 IPC registered at Police Station Sadar Jagraon, District Ludhiana Rural is ordered to be quashed, however, qua the petitioner only.

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

12.07.2023
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(VIVEK PURI)
JUDGE

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