

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20461-2023
Date of Decision: 07.07.2023

MANJEET ... PETITIONER
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. S.K.Daaria, Advocate
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Ajay Pal Singh, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking to quash the FIR No.178 dated 21.11.2022 under Sections 354-A, 354-D and 452 of the Indian Penal Code, registered at Police Station Sohna, District Gurugram and all the subsequent proceedings arising therefrom, on the basis of the compromise, Annexure P-2.
2. On 22.05.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/Duty Magistrate.
3. In compliance of the order dated 22.05.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Sohna has sent the report and the relevant portion whereof is reproduced here-in-below:-

“Statement of IO also recorded and report has been submitted by the IO L/ASI-Ms. Shakuntla, P.S. Sadar Sohna, Gurugram in which it has been

stated that there is only one accused namely Manjeet in present case. It is further stated that a case bearing no.346 dated 27.10.211 under Sections 380, 457 of IPC, P.S. Sadar Sohna was pending against the accused in which he got acquitted vide order dated 06.10.2014. It is further stated that accused-Manjeet has not declared proclaimed offender in the present case. It is further stated that there is only one complainant namely-Pooja in the present FIR.

In view of the statements of the interested parties, the undersigned is satisfied that they have compromised the matter amongst themselves is without any coercion or undue influence and that the compromise has been genuinely and voluntarily arrived at between them.”

4. Learned counsel for the petitioner contend that the FIR has been lodged on the allegations of commission of offence of sexual assault and stalking against the petitioner. The dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. Respondent No.2 is a married lady and both the parties are residents of the same village. An amicable settlement will help in maintaining cordial relations between the parties in future.

5. Learned counsel for respondent No.2 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 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.178 dated 21.11.2022 under Sections 354-A, 354-D and 452 of the Indian Penal Code, registered at Police Station Sohna, District Gurugram and all the subsequent 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.

07.07.2023
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(VIVEK PURI)
JUDGE

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