

CRM-M-25288-2023

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2023 : PHHC : 111248

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25288-2023

Date of Decision: 24.08.2023

ROHIT @ ROHIT KUMAR AND ANOTHER ... PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Suraj Kaundal, Advocate for the petitioners.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. R.S.Dadwal, Advocate for respondent Nos.2 to 4.

* * *

VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 355 dated 17.10.2017 registered under Sections 452, 323, 294, 506, 34 IPC at Police Station City Jagraon, District Ludhiana Rural and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

2. On 18.05.2023, 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 order dated 18.05.2023, learned Sub Divisional Judicial Magistrate, Jagraon has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“ASI Zorawar Singh suffered statement in the court that the present case has been registered on the

basis of statement suffered by Minakshi against the accused persons namely Rohit (@ Rohit Kumar and Krishan Lal @ Vicky. Monika Gujral and Raj Rani are also victims in the present case. Accused have not been declared proclaimed offenders in the present case.

After going through the statements of the parties, this Court is satisfied that respondents No. 2 to 4 namely Minkashi, Monika Gujral and Raj Rani have effected compromise with petitioners namely Rohit @ Rohit Kumar and Krishan Lal @ Vicky Kumar with their own free will and without any coercion or pressure from any corner and same is found to be genuine. Accused have not been declared proclaimed offenders in the present case.”

4. Learned counsel for the petitioners contend that the FIR has been registered by respondent No. 2 on the allegations that on 16.10.2017, the petitioners had committed trespass in the house of respondent Nos.2 to 4, manhandled and inflicted injuries upon them. The dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The present FIR is an offshoot of matrimonial dispute between petitioner No.1 and respondent No.3. The matrimonial dispute has also been amicably settled and petitioner No.1 and respondent No.3 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent. Amicable settlement will help in maintaining cordial relations between the parties in future.

5. Learned counsel for respondent Nos.2 to 4 has acknowledged this fact and has stated that he has no objection if the aforementioned 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

a settlement, out of the Court, by way of compromise (Annexure P-2). The compromise is without any pressure and is 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, an offshoot of matrimonial 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***, approved 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. 355 dated 17.10.2017 registered under Sections 452, 323, 294, 506, 34 IPC at Police Station City Jagraon, District Ludhiana Rural and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

24.08.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No