

268 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27442-2023
Date of Decision: 23.11.2023

YOGESH VASHISTH

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Karandeep, Advocate for
Mr. R.S.Dhull, Advocate for the petitioner.

Mr. Sanjeev Kumar, Addl. AG Haryana.

Mr. Arvind Dhankhar, Advocate for
Mr. Sanjeev Majra, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 07 dated 11.01.2020 under Section 354-C IPC registered at Police Station NIT Women, District Faridabad and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 09.08.2023, 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 09.08.2023, learned Judicial Magistrate First Class, Faridabad has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“i) Number of persons arrayed as accused in the FIR:

Report: As per the statement of IO, complainant Mrs. Anju lodged complaint against Yogesh Vashisth. During investigation, accused Yogesh Vashisth was arrested and challan was filed against the accused Yogesh Vashisth. In the present case, the sole complainant is Mrs. Anju and Yogesh Vashisth is the only accused against whom the present FIR was lodged.

ii) Whether any accused is a proclaimed offender:

Report: Perusal of the file shows that accused is not a proclaimed offender.

iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence;

Report: In the considered opinion of the undersigned, the compromise so effected is for the amicable settlement of the dispute and was effected without any external pressure, coercion or force and is a valid compromise.

iv) Whether the accused persons are involved in any other FIR or not;

Report: As per statement of accused, he is not involved in any other FIR nor he has been declared proclaimed offender.

v) How many victims/complainants are there in the FIR and all the victims/complainants as well as accused are party to the compromise in question:

Report: As per statement of IO, in the present case, the sole complainant is Mrs. Anju; and Yogesh Vashisth is the only accused against whom the present FIR was lodged.”

4. Learned counsel for the petitioner contends that the FIR was registered on the allegations that the petitioner had prepared obscene video of respondent No.2, while she was taking bath. The dispute has been amicably settled between the parties in terms of compromise (Annexure P-1). The petitioner is the son of the landlord in whose house the family of respondent No.2 is residing as tenant. The amicable settlement will help in maintaining cordial relations between them in future.

5. Learned counsel for respondent No.2 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 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 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, 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***, 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. 07 dated 11.01.2020 under Section 354-C IPC registered at Police Station NIT Women, District Faridabad and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

23.11.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No