

274 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28382-2023

Date of Decision: 03.08.2023

VIKRAM SINGH AND ANOTHER ... PETITIONERS
V/S

STATE OF HARYANA AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ravinder Kumar, Advocate for the petitioners.
Mr. Ram Kumar Singla, DAG Haryana.
Mr. Depak Sharma, Advocate for respondent Nos.2&3.
* * *

VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 007 dated 17.01.2023 registered under Sections 323, 34, 354-A, 354-B, 379-B, 506 and 509 IPC at Police Station Dujana, Jhajjar, District Jhajjar and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).
2. On 01.06.2023, 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 01.06.2023, learned Addl. Chief Judicial Magistrate, Jhajjar has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“On a perusal of the statements, it appears that the compromise between the parties is genuine, voluntary and without any coercion or undue influence. As per the report of the Investigating Officer there are only two persons arrayed as accused in this case. No other accused was proclaimed offender/person in this case. No other case/FIR is pending against accused persons. Likewise, there is no other case

pending between the complainant/injured and the accused persons of this case.”

4. Learned counsel for the petitioners contend that the FIR has been registered on the allegations that the petitioners had inflicted injuries on the person of respondent Nos. 2 and 3, outraged the modesty and snatched the *nose pin* of respondent no.3. It has been stated that during the course of investigation, offence under Sections 354-A, 354-B and 379-B IPC have been deleted. The civil dispute between petitioner No.1 and the private respondents has also been amicably settled. Besides, a cross-version case has also been registered at the instance of petitioner No.1 against respondent Nos.2 and 3 wherein also an amicable settlement has been effected. A separate petition for quashing the said cross-version case has also been instituted which is pending before the Co-ordinate Bench of this Court. Furthermore, the parties are known to each other since long. Petitioner No.2 and respondent Nos. 2 and 3 are residents of the same village and amicable settlement will help in maintaining cordial relations between the parties in future.

5. Learned counsel for respondent Nos.2 and 3 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 (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, 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. 007 dated 17.01.2023 registered under Sections 323, 34, 354-A, 354-B, 379-B, 506 and 509 IPC at Police Station Dujana, Jhajjar, District Jhajjar and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

03.08.2023

Janki

(VIVEK PURI)
JUDGE

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