

288 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
 AT CHANDIGARH

CRM-M-28830-2023
Date of decision: 22.11.2023

MUKUND MADHAV GOSWAMI **...PETITIONER**

VERSUS

STATE OF UT CHANDIGARH AND ANR. ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sukhdeep Singh, Advocate for
Mr. Vikrant Guleria, Advocate for the petitioners.

Ms. V.D. Anand, Addl. PP, for UT, Chandigarh.

Mr. Neeraj Madan, Advocate for respondent No.2.

VIVEK PURI,J. (ORAL)

1. Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.153 dated 26.07.2016 under Sections 323/354/506/341 IPC, registered at Police Station Sector-26, Chandigarh and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 01.06.2023, parties were directed to appear before the Trial Court/Illaq Magistrate and get their statements recorded with regard to the compromise arrived at between them.
3. The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness and voluntary nature of the compromise.
4. In compliance of the order dated 01.06.2023, learned Additional Chief Judicial Magistrate, Chandigarh has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

is only one accused namely Mukund Madhav in the present FIR and no accused was declared proclaimed offender nor any such proceedings have been initiated or pending against him.

2. It is submitted that compromised entered between the parties is genuine, voluntarily and without any coercion or undue influence.

3. It is further submitted that the statement of SHO/Inspector Sarita Roy was recorded regarding involvement of only one accused namely Mukund Madhav in the present case.

4. It is submitted that the present case is fixed for prosecution evidence.”

5. Learned counsel for the petitioner contends that the FIR has been registered on the allegations that the petitioner had outraged the modesty of respondent No.2. The dispute has been amicably settled between the parties in terms of compromise deed dated 27.05.2023 (Annexure P-2). The petitioner is brother-in-law of respondent No.2. The relations between respondent No.2 and her husband are cordial. The amicable settlement of the family members has been effected with the intervention of respectables and they are residing in the same house. An amicable settlement will help in maintaining cordial relations between the parties in future.

6. Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

7. After hearing the 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

8. The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the private family 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*, approved 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.153 dated 26.07.2016 under Sections 323/354/506/341 IPC, registered at Police Station Sector-26, Chandigarh and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.
11. Resultantly, with the above-said observations made, the instant petition stands allowed.

22.11.2023

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(VIVEK PURI)
JUDGE

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