

271 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31357-2022
Date of Decision: 18.10.2023

HARVINDER SINGH ... PETITIONER
V/S
STATE OF HARYANA & ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Fateh Saini, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG Haryana.

Mr. Nitin Kumar Sharma, Advocate for
Ms. Pinki Mehla, 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. 100 dated 04.10.2020, registered under Sections 354-A and 452 IPC at Police Station Women, District Ambala and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 21.07.2022, 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 21.07.2022, learned Judicial Magistrate First Class, Ambala has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

(i) Number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused

In the present case, only one accused named above has been charge-sheeted/challaned in this case.

As per the statement of L/HC Mohanjeet Kaur,

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| <p>is absconding/P.O. in the case?</p> <p>(ii) The name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of compromise</p> <p>(iii) The stage of trial/proceedings</p> <p>(iv) If the compromise is genuine, voluntary and out of free will of the parties</p> <p>(v) Whether any other criminal case is pending against the accused.</p> | <p>accused has not been declared proclaimed offender/person in this case.</p> <p>As per statement of L/HC Mohanjeet Kaur, there is only one complainant/affected/aggrieved party i.e. Varsha Devi in the present FIR. Her statement of compromise has been recorded.</p> <p>The case in hand is fixed for the evidence of prosecution.</p> <p>Both the parties have admitted that the compromise have been effected by them without any pressure and it appears to be genuine and valid. I am satisfied that the compromise have been arrived at with the free consent of the parties and without any undue influence or coercion from any side.</p> <p>As per the statement of L/HC Mohanjeet Kaur, in police station P.S. Women, Ambala, no other criminal case is pending against the accused.</p> |
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4. Learned counsel for the petitioner contends that as per the allegations in the FIR, the petitioner had inappropriately touched respondent No.2 and caused sexual harassment. The dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The parties are residents of the same village and 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 of the co-villagers 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. 100 dated 04.10.2020, registered under Sections 354-A and 452 IPC at Police Station Women, District Ambala and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

18.10.2023

Janki

(VIVEK PURI)
JUDGE

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