

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

**CRM-M-32861-2022(O&M)
Date of decision: 11.08.2023**

INDERVESH

...PETITIONER

VERSUS

STATE OF HARYANA AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Abhishek Jindal, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Yashasvi Kapila, 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.89 dated 20.08.2016 under Sections 294/354-B/506 IPC, registered at Women Police Station Jhajjar and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 28.07.2022, 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 28.07.2022, learned ACJM-cum-Civil Judge (Sr. Division), Jhajjar has recorded the statements of the parties and submitted the report, the relevant para 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

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of the Investigating Officer there is only one person arrayed as an accused in this case. No other accused was proclaimed offender/person in this case. Further, as per the report of the Investigating Officer, one case FIR No.299 dated 27.07.2021, under Sections 354/341/506 IPC and Section 3 of SC & ST Act, Police Station Sadar, Jhajjar is pending against accused Indervesh.”

5. Learned counsel for the petitioner contends that as per the allegations, the petitioner had attempted to outrage the modesty of respondent No.2 and inflicted injuries upon the person of respondent No.3. The dispute has been amicably settled between the parties in terms of compromise dated 12.07.2022 (Annexure P-2). Although, the petitioner is involved in another case bearing FIR No.299 dated 27.07.2021, under Sections 354/341/506 IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, registered at Police Station Sadar, Jhajjar but the said case has no concern with the present dispute. Even otherwise, in other case, the victim has not supported the prosecution version during the course of trial. The parties are the residents of same village and an amicable settlement will help in maintaining cordial relations between them.

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 result in sheer abuse of process of law.

8. 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.
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*, upheld 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.89 dated 20.08.2016 under Sections 294/354-B/506 IPC, registered at Women Police Station Jhajjar 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.

11.08.2023

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(VIVEK PURI)
JUDGE

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