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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.35889 of 2023(O&M)

Date of Decision: 17.10.2023

Summit @ Mitu

..... Petitioner

V/s.

State of Haryana and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Randeep Singh, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Gurvinder Singh, Advocate
for respondent Nos.2 & 3.

Vivek Puri, J. (Oral)

1. The petitioners are seeking to quash the FIR bearing No.231 dated 10.06.2022 under Sections 323, 341, 354, 354-A, 354-B, 354-D, 506 IPC and Sections 3(1)(r), 3(1)(s), 3(1)(u), 3(2)(va) of Scheduled Caste and Scheduled Tribes Act, registered at Police Station Butana, District Karnal on the basis of compromise.

2. On 26.07.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

3. In compliance of the order dated 26.07.2023, the statements of the parties have been recorded and the learned Additional District and Sessions Judge, Karnal, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“(1) Only one accused namely Summit @ Mitu son of Ranjit has been arraigned as accused in the present FIR.

(2) Accused Summit @ Mitu has never been declared proclaimed person/ offender.

(3) In view of the statements of complainant Minakshi daughter of Pawan Kumar and victim Paramjeet wife of Pawan Kumar, residents of Village Sidpur, Karnal as well as that of accused Sumit@ Mitu, the compromise Ex.C1 effected between the parties is genuine and voluntarily made by them without any coercion or undue influence.

(4) Accused Sumit @ Mitu is not involved in any other criminal case.

(5) As per the statement of Investigating Officer Minakshi daughter of Pawan Kumar resident of Village Sidpur, Karnal is the complainant and Paramjeet wife of Pawan Kumar, resident of village Sidpur, Karnal is the victim in the present FIR.”

4. Learned counsel for the petitioner contends that as per allegations, the petitioner had outraged the modesty of respondent Nos.2 and 3, uttered sexually coloured and derogatory remarks against the caste of respondent Nos.2 and 3. The dispute has been amicably settled between the parties in terms of compromise dated 20.05.2023 (Annexure P-2). The parties are the residents of adjoining villages. Due to typographical error, the name of the village of the petitioner has been wrongly mentioned as Seedhpur instead of Butana in the compromised deed. An amicable settlement will help in maintaining cordial relations between the parties in future.

5. Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the 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 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. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR bearing No.231 dated 10.06.2022 under Sections 323, 341, 354, 354-A, 354-B, 354-D, 506 IPC and Sections 3(1)(r), 3(1)(s), 3(1)(u), 3(2)(va) of Scheduled Caste and Scheduled Tribes Act, registered at Police Station Butana, District Karnal on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

10. Resultantly, with the above-said observations made, the instant petition stands allowed.

17th October, 2023

Sonia Puri

(VIVEK PURI)
JUDGE

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