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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42262-2023

Date of Decision: 09.11.2023

KANHIYA LAL

... PETITIONER

V/S

STATE OF HARYANA AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Shaveta Sanghi, Advocate for
Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG Haryana.

Mr. Saurabh Sharma, Advocate for 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. 131 dated 04.09.2018 under Sections 354, 354-A, 354-C, 451, 506 IPC registered at Police Station Baragudha, District Sirsa and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 25.08.2023, 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 25.08.2023, learned Judicial Magistrate First Class, Sirsa has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“After recording the statements of the parties i.e. (Complainant-Bimla and Accused-Kanhiya Lal), this Court is satisfied that compromise is genuine, voluntarily, without any coercion or undue influence. The compromise has been effected with free will of

the parties. The accused /petitioner Kanhiya Lal is on bail in this case. There is only one accused (Kanhiya Lal) in present case and One complainant/victim i.e Bimla. The present case is fixed at the stage of defence evidence. Statement of ASI Rajpal Singh 1127/SRS now posted at HSNCB Unit Hisar recorded vide order dated 4.09.2023, as per which accused in the present FIR is not declared proclaimed offender.”

4. Learned counsel for the petitioner contends that the FIR has been registered on the allegations of sexual harassment attributed against the petitioner. The dispute has been amicably settled between the parties in terms of compromise (Annexure P-3). The parties are residents of 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 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. 131 dated 04.09.2018 under Sections 354, 354-A, 354-C, 451, 506 IPC registered at Police Station Baragudha, District Sirsa and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

09.11.2023

Janki

(VIVEK PURI)
JUDGE

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