

273

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40645-2023

Date of Decision: 17.11.2023

SURENDER VERMA ALIAS SURINDER KUMAR VERMA

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Hemant Hans, Advocate for the petitioner.
Mr. Surinder Kumar Dagar, DAG Haryana.
Mr. Joginder Singh, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 40 dated 24.01.2022 under Sections 323/354/506/509 IPC registered at Police Station Chandimandir, District Panchkula and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 21.08.2023, 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 21.08.2023, learned Addl. Chief Judicial Magistrate, Panchkula has recorded the statements of the parties and submitted the report, which reads as under:-

“i). Number of persons arraigned as accused in the FIR;

* As per the report of I.O, there is only one accused in the present FIR i.e. Surinder Verma @ Surinder Kumar Verma s/o Hari Chand.

ii) Whether any accused is declared as proclaimed

offender?

* No accused is declared as proclaimed offender as verified by the I.O.

iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence?

* The compromise between the parties appears to be genuine, voluntary and entered without any coercion and undue influence. Statements of complainant as well as petitioner before the Hon'ble High Court i.e. accused were recorded wherein they categorically affirmed the fact that they have compromised the dispute and compromise is genuine, voluntary and without any coercion or undue influence. Identity of the parties was duly confirmed. Complainant categorically submitted that she has no objection that if the present FIR is quashed by the Hon'ble High Court.

iv) Whether the accused persons are involved in any other FIR or not?

* As per the statement of Investigating Officer, accused is not involved in any other case.

v). How many victims/complainant are there in the FIR?.

* There is only one victim/complainant in the present case namely Reena Devi wife of Sushil Kumar.”

4. Learned counsel for the petitioner contends that the FIR has been registered on the allegations that the complainant is working in Post Office and used to visit the shop of the petitioner for collecting of money, where he allegedly outraged her modesty. It has been further submitted that the dispute has been amicably settled between the parties in terms of compromise, contained at Annexure P-2. The parties are residents of the same locality and an 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. 40 dated 24.01.2022 under Sections 323/354/506/509 IPC registered at Police Station Chandimandir, District Panchkula and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

17.11.2023

Janki

(VIVEK PURI)
JUDGE

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