

CRM-M-42845-2023
Date of decision: 20.11.2023

...PETITIONER

VERSUS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ritesh Tomar, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Ankit Kumar, Advocate
for respondent No. 2.

VIVEK PURI,J. (ORAL)

1. Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.0054 dated 08.07.2019 under Sections 354 and 506 IPC registered at Police Station Kheri Gandain, District Patiala and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 29.08.2023, 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 29.08.2023, learned Judicial Magistrate 1st Class, Rajpura has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“(i) The present FIR No. 54 dated 08.07.2019, under Section 354, 506 of Indian Penal Code, Police Station City Rajpura, was got registered by complainant namely, Pinki against one accused namely, Hardeep Singh son of Sh. Harbans Singh, Resident of Village Pandtan, PS Kheri Gandian, Tehsil Rajpura, District Patiala. After the completion of investigation, challan against the above named accused was presented U/s. 354, 506 Indian Penal Code.

(ii) As per the statement got recorded accused Hardeep Singh and SI Sukhwinder Kaur (Investigating Officer), accused Hardeep Singh has never been declared as Proclaimed Offender in any case.

(iii) The perusal of the statement got recorded by complainant Pinki shows that she has compromised the matter with accused namely, Hardeep Singh, voluntarily, without any pressure, coercion or threat from any side and she has no objection in quashing of FIR against above named accused person, in view of her Affidavit dated 15.07.2023 Ex. CX.

(iv) As per the statements of the accused as well as Investigating Officer Inspector SI Sukhwinder Kaur, accused Hardeep Singh is not involved in any other criminal case.

(v) As per the statement got recorded by SI Sukhwinder Kaur, Investigating Officer, there is only one victim complainant in the case namely, Pinki.”

5. Learned counsel for the petitioner contends that as per allegations, the petitioner had outraged the modesty of the respondent No.2. The dispute has been amicably settled between the parties and Annexure P-2 is the affidavit of respondent No.2 in this regard. The petitioner and respondent No.2 are residents of the same village and an amicably settlement will help him in maintaining cordial relations between them in future.

6. Learned counsel for respondents 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

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.0054 dated 08.07.2019 under Sections 354 and 506 IPC registered at Police Station Kheri Gandain, District Patiala and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

20.11.2023
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(VIVEK PURI)
JUDGE

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