

275 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42769-2023
Date of decision: 17.11.2023

MUKESH

...PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Shantanu Bansal, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G. Haryana.

Mr. Amandeep Singh Samra, 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.69 dated 14.05.2017 under Sections 354-A(1), 452 and 506 IPC, registered at Women Police Station, Ambala 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, Ambala has recorded the statements of the parties and

submitted the report, the relevant para whereof reads as under:-

“The parties alongwith their respective counsel appeared before the court on 20.09.2023 and got recorded their statements to the effect that they have compromised the matter with each other voluntarily without any coercion or undue influence, pressure etc. from any side. Statement of L/HC Santosh Kumari No.217/Amb, Women Police Station, Ambala, has been record to the effect that on the complaint of complainant Shobha Rani, present FIR was registered against Mukesh Kumar and challan against him has been filed in the court on 10.07.2017, In the present case, neither any accused is proclaimed offender nor such proceedings are pending against anyone and except the present case, no other case is pending against accused Mukesh Kumar.

As such, from statements of the parties, I am of the opinion that the compromise arrived between the complainant and all the aforesaid accused is genuine, voluntary and without any coercion or undue influence.”

5. Learned counsel for the petitioner contends that as per the allegations the petitioner had committed trespass into the house of respondent No.2, inappropriately touched and criminally intimidated her. The dispute has been amicably settled between the parties in terms of compromise deed (Annexure P-2). The petitioner and respondent No.2 are neighbourers and residents of the same locality. An amicable settlement will help in maintaining cordial relations between them in future.

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 neighbours 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.69 dated 14.05.2017 under Sections 354-A(1), 452 and 506 IPC, registered at Women Police Station, Ambala 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.

17.11.2023
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(VIVEK PURI)
JUDGE

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