

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46171-2022
Date of Decision: 04.05.2023

BALJIT KAUR ... PETITIONER
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. J.S.Bhandohal, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Ms. Manveer Kaur, Advocate for
Mr. B.S.Khaira, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking to quash the FIR No.0104 dated 28.04.2021 under Sections 384/500/506 IPC and Sections 66 and 67 of the IT Act registered at Police Station Sadar Nabha District Patiala on the basis of compromise.
2. On 10.10.2022, the parties were directed to get their statements recorded before the learned Duty Magistrate/Illaq Magistrate/trial Court.
3. In compliance of the order dated 10.10.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Nabha has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. The present case FIR has been registered only against accused Baljit Kaur as per statement of Investigating Officer.

2. In the present case no accused has been declared as proclaimed offender.

3. From the aforesaid statements of the affected parties, it is clear that the parties have entered into compromise voluntarily, without any pressure or undue influence and said compromise appears to be genuine.

4. Accused namely Baljit Kaur is not involved in any other FIR except this one.

5. As per statement of ASI Harjinder Lal, there is only one complainant namely Ichhaman Singh/victim in the present case.”

4. Learned counsel for the petitioner contends that the petitioner is working as BDPO and respondent No.2 is working as Chairman, Panchayat Samiti. The petitioner had allegedly posted some defamatory posts on the social media from her mobile phone. 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 is Government employee and 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 she 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, upheld 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 No.0104 dated 28.04.2021 under Sections 384/500/506 IPC and Sections 66 and 67 of the IT Act registered at Police Station Sadar Nabha District Patiala on the basis of compromise is ordered to be quashed, however, qua the petitioner only.

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

04.05.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No