

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50451-2023
Date of Decision: 22.11.2023

PARAMJIT SINGH ALIAS PAMMI ... PETITIONER
VS.
STATE OF PUNJAB AND OTHERS .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Aayush Gupta, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Davinder Singh, Advocate for
Mr. Rahul Dahiya, Advocate
for respondents No. 2 to 4.

VIVEK PURI, J.(ORAL)

1. Petitioner is seeking to quash the FIR No.0276 dated 26.09.2017 under Sections 354-D/294/506 IPC and Sections 67(A) & 67(B) of Information and Technology Act registered at Police Station Dakha, District Ludhiana Rural on the basis of compromise.
2. On 06.10.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.
3. In compliance of the order dated 06.10.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Ludhiana has sent the report and the relevant portion whereof is reproduced here-in-below:-

“i) As per the statement of the I.O there is only one accused named in the FIR i.e Paramjit Singh @Pammi

ii) As per the statement of the I.O accused was not declared proclaimed offender in this case.

iii) From the statements of the parties,

which were got recorded by the Court, it clearly appears that the compromise between the parties is genuine, voluntary and the same has been effected between the parties without any pressure, coercion or undue influence.

iv) As per the statement of the 1.O no other FIR is pending against the accused in police station.

v). As per the statement of the 1.O there is only one complainant namely Jaspal Singh and one victim who is daughter of complainant in this case.”

4. Learned counsel for the petitioner contends that as per the allegations, the petitioner had circulated obscene photographs of respondent No.3 (daughter of respondent No.2) and sent the same to respondent No.4 (uncle of respondent No.2). The petitioner and respondents No.2 to 4 are relatives and the dispute has been amicably settled between them in terms of compromise dated 22.09.2023, Annexure P-2. 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 he 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 family 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. 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.0276 dated 26.09.2017 under Sections 354-D/294/506 IPC and Sections 67(A) & 67(B) of Information and Technology Act registered at Police Station Dakha, District Ludhiana Rural 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.

22.11.2023
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(VIVEK PURI)
JUDGE

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