

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-52950-2022

Date of Decision: 16.02.2023

BALWINDER SINGH SAINI

... PETITIONER

VS.

STATE OF PUNJAB AND OTHERS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Mandeep Kaushik, Advocate  
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Bhupesh Dogra, Advocate  
for respondents No. 2 to 4.

\*\*\*\*\*

VIVEK PURI, J.(ORAL)

The petitioner is seeking to quash the FIR No.186 dated 21.12.2016 under Sections 500, 509 IPC and Section 67 of the Information and Technology Act registered at Police Station Division No.7, Police District Ludhiana and all the subsequent proceedings arising therefrom on the basis of compromise.

On 16.11.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 16.11.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1<sup>st</sup> Class, Ludhiana has sent the report and the relevant portion whereof is reproduced here-in-below:-

*“1.Total number of person arrayed as accused is only one namely Balwinder Singh.*

*2.The accused is not declared proclaimed offender.*

*3.From the statements of the parties, it*

*appears that compromise has been voluntarily effected between the parties i.e. complainants Kulwinder Kumar, Balwinder Singh and Pawan Kumar Mehta and accused namely Balwinder Singh Saini. The compromise appears to be genuine and without any pressure or coercion and undue influence.*

*4.As per the statements of the IO there is no other FIR registered against the accused Balwinder Singh nor involved in any FIR.*

*5.As per the statement of the IO there is only one victim who is wife of the complainant Kulwinder Kanda and there are three complainants namely Kulwinder Kanda, Pawan Mehta and Balwinder Singh. ”*

Learned counsel for the petitioner contends that the allegations in the FIR are to the effect that the petitioner had been uploading the wrong photographs of respondents No. 2 to 4 and their family members. It has been specifically submitted that the photographs were not obscene. Annexures P-2 and P-3 are the copies of compromise that has been effected between the parties. . The petitioner is retired police official. Petitioner and respondents No. 2 to 4 are residing in the neighbourhood and an amicable settlement will help in maintaining the cordial relations between the parties.

Learned counsel for respondents No.2 to 4 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the FIR is quashed.

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.

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.

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*.

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.186 dated 21.12.2016 under Sections 500, 509 IPC and Section 67 of the Information and Technology Act registered at Police Station Division No.7, Police District Ludhiana and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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

16.02.2023  
smriti

(VIVEK PURI)  
JUDGE

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