

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-11613 of 2014

Date of Decision: 10.7.2015

Mukesh Singh and Others

... Petitioner(s)

Versus

State of Haryana and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Ramender Chauhan, Advocate
for the petitioner(s).

Mr. Rajiv Doon, Assistant Advocate
General, Haryana for respondent No.1.

Mr. Bhupander Ghanghas, Advocate
for respondent No.2.

Darshan Singh, J.

1. The present petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") for seeking quashing of FIR No. 562 dated 13.11.2010, registered under Sections 323, 325, 452 & 34 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Sadar, Bhiwani and all the subsequent proceedings on the basis of the compromise deed dated 22.3.2014 (Annexure P2).

2. Vide order dated 2.4.2014, a Co-ordinate Bench of this Court has directed the parties to get their statements recorded before the Illaqa Magistrate. The Illaqa Magistrate was also directed to send his/her report with regard to the validity or otherwise of the compromise after recording the statements of the concerned parties.

3. In compliance of the aforesaid order, report has been received from the learned Judicial Magistrate, Bhiwani through the learned District & Sessions Judge, Bhiwani along with the copies of the statements of the parties. In the report, it is stated that the complainant

and the petitioners/accused have entered into a compromise genuinely and without any pressure or undue influence. It appeared that all the issues between them have been resolved.

4. Learned counsel for the petitioners contended that the parties have amicably resolved the dispute and the continuation of the proceedings will be an abuse of the process of the Court. The compromise, between the parties voluntarily and with their free will, should be given due weightage and the present proceedings should be quashed. To support his contentions, he relied upon the judgments rendered by the Hon'ble Apex Court in ***Gian Singh v. State of Punjab & Another 2012(4) R.C.R. (Criminal) 543*** and ***Shiji alias Pappu & Others v. Radhika & Another 2012(1) R.C.R. (Criminal)9 (SC)*** and also by Full Bench of this Court in ***Kulwinder Singh & Others v. State of Punjab & Another 2007(3) R.C.R. (Criminal)1052***.

5. The factum regarding compromise between the parties has also not been disputed at bar by the learned State counsel. Learned counsel for respondent No.2 has also fairly conceded that in view of the compromise effected between the parties, the complainant/victim has no objection if the impugned FIR and the consequential proceedings are quashed.

6. The petitioner has been indicted as accused for the offences punishable under Sections 323, 325, 452 & 34 IPC on the complaint made by respondent No.2-Vinod Kumar that on 6.11.2010 a quarrel took place with petitioner No.2-Mohit son of petitioner No.3-Rajbir. Thereafter, the petitioners came to his house with dandas in their hands and started beating him due to which he suffered multiple injuries. On raising alarm, he was rescued by his father. Thereafter, all the three accused/petitioners fled away from the spot with their respective weapons.

7. From the statements of the complainant as well as of the petitioner recorded by the learned Judicial Magistrate and his report, it comes out that both the parties have voluntarily and with their free consent without any inducement, threat or promise, sorted out their

dispute and have effected compromise. The copy of the compromise deed has already been placed on record as Annexure P2.

8. Taking into consideration these facts, this Court is of the opinion that the ultimate chances of conviction of the petitioners are bleak. Therefore, the pendency of FIR and continuation of the proceedings would be a sheer abuse of the process of law.

9. Thus, in view of the factum of the compromise and the law laid down by the Hon'ble Apex Court and also the Full Bench of this Court in the cases referred to above, this petition is hereby allowed. FIR No. 562 dated 13.11.2010, registered under Sections 323, 325, 452 & 34 IPC at Police Station Sadar, Bhiwani and all the consequent proceedings arising therefrom are hereby quashed. If the case has already been decided by the trial Court, then this order will be of no effect.

(Darshan Singh)
Judge

July 10, 2015

“DK”