

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-24722 of 2014

Date of Decision: 21.4.2015

Sonu and Another

... Petitioner(s)

Versus

State of Haryana and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Surider Gaur, Advocate
for the petitioner(s).

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

Mr. G.S.Gopera, Advocate
for respondent No.2.

Darshan Singh, J.

1. The present petition has been filed by the petitioner/accused- Sonu and Sahab Singh under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") for quashing of FIR No. 116 dated 18.3.2011, registered under Sections 323, 506, 452 & 34 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Meham, District Rohtak and all the subsequent proceedings on the basis of the compromise deed (Annexure P2).

2. Vide order dated 13.1.2015, this Court has directed the parties to get their statements recorded before the trial Court. The trial Court was also directed to send its 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 Sub Divisional Judicial Magistrate, Meham through the learned District & Sessions Judge, Rohtak along with the copies of the statements of the parties. The operative part of the report of the learned Magistrate is reproduced as under:

“The separate statement of complainant as well as accused party was recorded. I have also inquired about the compromise between the parties. After hearing both the parties, this Court is of the view that the compromise between the parties is genuine without fear or pressure and they have amicably settled their dispute. No any case is pending against the party. It is also stated that no P.O. Proceeding is pending against any party to the case in the Court of the undersigned.”

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 petitioners have been indicted as accused for the offences punishable under Sections 323, 506, 452 & 34 IPC on the allegations that on 13.3.2011, when complainant Vedpal Khalsa, resident of village & Post Office Mokhra, Tehsil Meham was sitting in the shop of his elder brother, namely Bharat Singh, at about 9.00 A.M. Sonu and Sahib Singh along with an unknown boy entered therein. They started abusing him. When the complainant and his brother questioned them, then they started beating him. The complainant raised alarm, many persons gathered at the spot. While going, Sonu threatened the complainant that they would teach him advocacy and would not let him alive. He further exhorted that on that day he is safe but whenever they would get a chance, he would be eliminated because they have had some relations with goons and asked him to do whatever he could do. He further exhorted that they have close relations with the police official and would be released with money power and would eliminate the complainant. Sonu was armed with a country made pistol and Sahib Singh with a knife and another unknown boy was having danda.

7. From the statements of the complainant as well as of the petitioners recorded by the learned 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 photocopy 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. 116 dated 18.3.2011, registered under Sections 323, 506, 452 & 34 IPC at Police Station Meham, District Rohtak and all the consequent proceedings arising therefrom are hereby quashed.

(Darshan Singh)
Judge

April 21, 2015

"DK"