

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl. Misc. No. 34925-M of 2014

Date of Decision: 13.01.2015.

Sant Ram and others PETITIONER (s)

Versus

State of Haryana and others RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.G.S. Sullar, Advocate,
for the petitioners.

Mr. Gaurav Goel, AAG, Haryana

Mr. Gaurav Gaur, Advocate for
Mr. Surinder Mohan Sharma, Advocate
for respondents No.2 to 5.

LISA GILL, J.(Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of the FIR No.33 dated 14.04.2008, under Sections 148, 149, 323, 342, 427, 447, 506, 379/511 IPC, registered at Police Station I.A. Saha, District Ambala, on the basis of compromise dated 20.09.2014 (Annexure P-2).

The above said FIR had been registered on the complaint of Rajiv Kumar and Nitin Kumar respondents No.2

and 3, alleging the commission of offences punishable under Sections 148, 149, 323, 342, 427, 447, 506, 379/511 IPC.

On the intervention of respectables, elders and friends, a compromise is stated to have been arrived at between the parties on 20.09.2014 (Annexure P-2). The matter has been amicably settled between the parties. The parties wish to live in peace and harmony and want to put an end to the acrimony between them.

This court on 20.11.2014 had directed both the parties to appear before the learned trial Court on 28.11.2014 to get their statements recorded in respect of the compromise. The trial Court was also directed to submit a report regarding the genuineness of the compromise and that whether it has been entered into out of the free will and volition of the parties, without any fear, apprehension, undue influence or coercion. Information was also sought whether the petitioners are proclaimed offenders and whether all the affected persons in this case are signatory to the compromise in question as well the pendency of any other case against the petitioners.

Report dated 15.12.2014 has been received from the learned Judicial Magistrate 1st Class, Ambala, wherein it is observed that the compromise/settlement has been arrived at between the parties without any fear, pressure or allurements. Statement of the complainants and accused

persons have also been recorded, copies of which are attached alongwith the report. The petitioners are not proclaimed offenders and no other case is pending against them. The total number of accused in this case were eleven out of whom two of them i.e. Nathi Ram and Mangat Ram have passed away.

Learned counsel for respondents No.2 to 5 reiterates that the settlement has been arrived at between the parties and they longer wish to pursue the matter. They have no objection to the quashing of the said FIR.

Learned counsel for the State on instructions from SI Jagat Singh also affirms the factum of the settlement between the parties.

In Kulwinder Singh and others versus State of Punjab and another, 2007(3) R.C.R. 1052, a five member Bench of this court has observed,

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Code of Criminal Procedure is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is, “finest hour of justice”.

Keeping in view the facts and circumstances of the present case, no useful purpose would be served by

continuing the proceedings, except wastage of precious time of the court. The chances of conviction are absolutely bleak, therefore, it is in the interest of justice to quash the above said FIR.

The present petition is, thus, allowed and FIR No.33 dated 14.04.2008, under Sections 148, 149, 323, 342, 427, 447, 506, 379/511 IPC, registered at Police Station I.A. Saha, District Ambala, as well as consequential proceedings arising therefrom, are hereby quashed.

13.01.2015.

Anoop

(LISA GILL)

JUDGE