

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-9834 of 2015

Date of Decision: 7.7.2015

Surinder Pal

... Petitioner(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Shoaib Khan, Advocate
for the petitioner(s).

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

Mr. Deepak Sonak, 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. 139 dated 11.9.2014, registered under Sections 341, 354-D & 506 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Raipur Rani, Tehsil & District Panchkula and all the subsequent proceedings on the basis of the compromise deed dated 19.3.2015 (Annexure P2).

2. Vide order dated 31.3.2015, 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 Ist Class, Panchkula through the learned District & Sessions Judge, Panchkula along with the copies of

the statements of the parties. In the report, it is stated that the complainant and the accused/petitioner have appeared before him and made statements on 20.4.2015. He further stated that the parties were satisfied with the compromise and they were duly identified by the respective counsel. He further stated that the compromise is genuine and authentic and the same has been arrived at voluntarily. He further stated that only petitioner-Surinder Pal has been indicted as accused in the FIR and he is not a proclaimed offender.

4. Learned counsel for the petitioner 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 respondents No.2 & 3 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 341, 354-D & 506 IPC on the complaint made by respondent No.2-Pratibha Sharma that the petitioner/accused had followed her and her colleague, respondent No.3-Nancy while on their way to home and also hurled bad words to them. He stopped them on the way and also told them to talk with him. The petitioner also threatened them that he, being a Gujjar, can do anything. The complainant had also lodged a complaint with the higher authorities.

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 petitioner 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. 139 dated 11.9.2014, registered under Sections 341, 354-D & 506 IPC at Police Station Raipur Rani, Tehsil & District Panchkula 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 7, 2015

“DK”