

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-4055 of 2017(O&M)
Date of Decision : 09.08.2017

Kishan Chand and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Karan Pathak, Advocate for the petitioners.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana.

Mr. Gautam Dutt, Advocate for respondents No. 2 and 3.

Anupinder Singh Grewal, J.(Oral)

The petitioners are seeking quashing of FIR No. 156, dated 14.06.2008, under Sections 148, 149, 323, 324, 326, 452, 506 IPC, registered at Police Station Sarai Khawaja, District Faridabad with all subsequent proceedings including judgment of conviction dated 07.06.2016 as well as order of sentence dated 09.06.2016 sentencing the petitioners, on the basis of compromise (Annexure P-3), which has been arrived at between the parties.

Learned counsel for the petitioners contends that the complaint is the outcome of a minor dispute between neighbours, which has now been resolved with the intervention of the respectables. Learned counsel for the petitioners has placed reliance upon a judgment of Single Bench of this Court in CRM-M No. 16531 of 2016 titled ***Sukhdev Singh and others Vs. State of Punjab and another***, decided on 02.09.2016 and judgment of a Division Bench of this Court in the case of ***Sube Singh and another Vs. State of Haryana and another***, 2013(4) RCR(Criminal) 102, wherein it has been held that this Court under Section 482 of the Cr.P.C. is empowered to quash criminal proceedings at any stage including the

pendency of appeal to secure the ends of justice.

Learned counsel for the respondents No. 2 and 3 states that the matter has indeed been compromised.

A coordinate Bench of this Court vide order dated 08.02.2017 had directed the trial Court to record the statements of the parties with regard to genuineness of the compromise and send a report to this Court. The report of the Additional District and Sessions Judge, Faridabad, dated 04.03.2017, has been received, wherein it is stated that in pursuance to the order of this Court, the statements of the parties were recorded, which indicates that they have entered into compromise voluntarily and without any pressure or undue influence.

The instant FIR is outcome of a minor dispute between neighbours, which has now been resolved with the intervention of the respectables. It would be in the interest of justice if the FIR and all consequential proceedings arising therefrom including order of conviction are set-aside to enable the parties to live in peace and harmony.

Consequently, the petition is allowed and FIR No. 156, dated 14.06.2008, under Sections 148, 149, 323, 324, 326, 452, 506 IPC, registered at Police Station Sarai Khawaja, District Faridabad is quashed qua the petitioners and conviction and order of sentence dated 09.06.2016 passed by Judicial Magistrate Ist Class, Faridabad, is set-aside. The appeal preferred by the petitioners against the aforesaid judgment and order is rendered infructuous and shall be declared so by the first Appellate Court.

(ANUPINDER SINGH GREWAL)
JUDGE

August 09, 2017
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Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No