

***IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***

CRM No. M-6724 of 2017 (O&M)

Date of Decision: 10.05.2017.

Mahipal

--Petitioner

Versus

State of Haryana and another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Satish Saini, DAG, Haryana.

Mr. Lokesh Sharma, Advocate for the complainant.

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TEJINDER SINGH DHINDSA.J.

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.796, dated 11.12.2016, under Sections 406/420/506 of IPC and Section 3(10) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short 'SC and ST Act') registered at Police Station Civil Lines, Hisar, District Hisar.

Since quashing was sought on the basis of compromise, this Court while issuing notice of motion on 01.03.2017 had directed the parties to appear before the Illaqa Magistrate concerned for recording of their statements in support of the compromise. A report with regard to genuineness of the compromise was also called for.

Placed on record is a report dated 27.03.2017 of the learned Additional Civil Judge (Senior Division), Hisar and a perusal thereof would reveal that the statements of the complainant/respondent No. 2 herein as also of the accused/petitioner herein have been duly recorded and it has been opined that a compromise has been effected voluntarily and without any pressure or coercion.

Mr. Lokesh Sharma, Advocate, puts in appearance on behalf of respondent No. 2-complainant and states that he would have no objection to the quashing of FIR in the light of the compromise that has been arrived at.

Learned State counsel, on instructions from ASI Vijay Kumar, Police Station Civil Lines, Hisar, District Hisar, has opposed the present petition by submitting that there are other complainants who have suffered statements by raising similar kind of allegations against the petitioner.

Be that as it may, none of those complaints have actually fructified in the formal registration of an FIR.

This Court in appropriate cases can exercise the power under Section 482 Cr.P.C. for quashing of criminal proceedings/FIR on the basis of compromise. A reference in this regard may be made to a Full Bench decision of this Court in ***Kulwinder Singh & others Vs. State of Punjab & others, 2007 (3) RCR (Criminal) 1052.***

Adverting back to the facts of the present case, the parties have entered into settlement. Counsel appearing for the complainant

does not rebut the contention raised on behalf of the petitioner that the allegations with regard to use of derogatory remarks were not in public view and as such offence under Section 3 of the SC and ST Act, would not be made out.

In the considered view of this Court, it would be a fit case to intervene in exercising powers under Section 482 Cr.P.C. and to bring to an end the criminal proceedings initiated in the light of the impugned FIR.

For the reasons recorded here-in-above, the present petition is allowed. FIR No.796, dated 11.12.2016, under Sections 406/420/506 of IPC and Section 3(10) of SC and ST Act, registered at Police Station Civil Lines, Hisar, District Hisar, and all proceedings emanating therefrom qua the petitioner are set aside.

Petition allowed in the aforesaid terms.

10.05.2017

Divyanshi

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned : **Yes/No**
Whether reportable : **Yes/No**