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

Date of Decision: 09.01.2018

1. CRM-M No.12929 of 2017

Mukesh @ Rajesh @ Gorkha and others.....Petitioners

Vs

State of Haryana and another

.....Respondents

2. CRM-M No.44416 of 2017

Mohit Dua and another

.....Petitioners

Vs

State of Haryana and another

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Dinesh Arora, Advocate
for the petitioners.

Mr. Satish Saini, DAG, Haryana.

Mr. Deepak Girotra, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

Learned counsel for the petitioners has placed on
record the receipt dated 21.12.2017 vide which amount of

Rs.3500/- was deposited with the Haryana State Legal Services Authority.

In view of above, conditional order dated 27.11.2017 passed in CRM No.37091 of 2017 in CRM-M No.12929 of 2017 is made absolute.

CRM-M No.12929 of 2017 is ordered to be restored.

Vide this common order, CRM-M No.12929 of 2017 titled Mukesh @ Rajesh @ Gorkah and others Vs. State of Haryana and another and CRM-M No.44416 of 2017 titled Mohit Dua and another Vs. State of Haryana and another are being decided.

Prayer in these petitions is for quashing of FIR No.793 dated 24.11.2016 registered under Sections 148, 149, 323, 341, 365, 384 IPC at Police Station Rohtak Civil Lines, District Rohtak as well as all the subsequent proceedings arising therefrom on the basis of compromise.

FIR was registered by complainant Rakesh Kumar Arora with the allegations that his son Saksham was forcibly taken on bike by the accused and was beaten up and told to bring an amount of Rs.5000/- and a carton of whisky next day, otherwise his father and other family members will be kidnapped. The victim came home and told the story to his father that he was beaten up by the accused namely Rajesh

Gorkha, Manish, Rohit, Bhima and three other boys totalling seven. CRM-M No.12929 of 2017 has been preferred by five of the accused, whereas CRM-M No.44416 of 2017 has been preferred by two of the accused.

On 01.06.2017, following order was passed in CRM-M No.12929 of 2017:-

“Prayer made in this petition is for quashing of FIR on the basis of compromise. Notice of motion was issued in this case on 19.04.2017.

Mr. Rahul Makkar, Advocate for Mr. Deepak Girotra, Advocate appears on behalf of respondent No.2/complainant.

In the meanwhile, parties are directed to appear before the trial Court/Illaq Magistrate on 08.06.2017 and the trial Court/Illaq Magistrate, after recording their statements, shall submit its report with regard to genuineness of the compromise viz-a-viz. number of accused persons involved in this case and whether any of the accused has been declared proclaimed offender or not, on or before the adjourned date.

List on 29.08.2017.”

Though there was no such order in CRM-M No.44416 of 2017, but the petitioners therein have also appeared before the Illaq Magistrate in the context of making statements in respect of compromise.

In pursuance of said order, both the parties have

appeared before the Addl, Chief Judicial Magistrate, Rohtak and have made respective statements in respect of genuineness of the compromise in question. Addl, Chief Judicial Magistrate, Rohtak testified the factum of compromise. The Court has also recorded statement of Investigating Officer that out of total seven accused persons, accused Mukesh was also involved in four other cases. Law will take its own course in respect of accusation of accused Mukesh in terms of other cases, but in the present case, since both the parties have amicably settled their grievances, particularly in view of nature of the allegations that victim was allowed to go home only with a condition to pay Rs.5000/- along with a carton of whisky, I deem it appropriate to take cognizance of the issue.

This Court is of the opinion that in view of compromise between the parties, chances of conviction of the accused are remote and there is minimal chance of the witnesses coming forward to depose in support of prosecution version. In view of remote chances of conviction, it would be appropriate to exercise discretionary power of this Court under Section 482 Cr.P.C. to put an end to the controversy for all times to come. The compromise would facilitate both the parties to live in peace and to maintain public tranquility and offence in question is personal in nature and does not involve any heinous

and serious offence of any mental depravity, nor it involves any offence covered under Prevention of Corruption Act. Therefore, when possibility of conviction is remote and bleak, continuation of criminal proceedings would put the accused to oppression and prejudice. In such a situation the exercise of power to quash the proceedings would be in consonance with the provisions of law to meet ends of justice and to prevent unnecessary continuation of proceedings which may ultimately result in some unnecessary vagaries of criminal trial.

Learned State counsel, however, objects to the aforesaid course, but in order to prevent unnecessary continuation of criminal proceedings on the ground that there are bleak chances of conviction in the case, this Court is of the opinion that it would be in fitness of things to quash the proceedings on the basis of compromise.

The compromise in question is fully in consonance with the guidelines framed in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052** and **Gian Singh vs. State of Punjab and another 2012 (4) RCR (Crl.) 543.**

Resultantly, FIR No.793 dated 24.11.2016 registered under Sections 148, 149, 323, 341, 365, 384 IPC at Police Station Rohtak Civil Lines, District Rohtak as well as all the

subsequent proceedings arising therefrom, are quashed.

Both petitions stand disposed of.

January 09, 2018

(RAJ MOHAN SINGH)
JUDGE

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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No