

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 5568 of 2017 (O&M)

Date of decision : 6.2.2018

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Rambool @ Rahul and others

.....Petitioners

vs.

State of Haryana and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

....

Present: Mr. Namit Khurana, Advocate for
Mr. Rajesh Nain, Advocate for the petitioners.

Mr. Gaurav Bansal, Assistant Advocate General,
Haryana.

Mr. Sunny Dhull, Advocate for
respondent No.2-complainant

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H. S. Madaan, J. (Oral)

CRM No. 4240 of 2018

This is an application for adding offence under Section 326
IPC in the head note and prayer clause, as the same was added later
on.

Heard. Allowed.

Registry is directed to carry out the necessary amendment in
the head note and in the prayer clause.

The application stands disposed of accordingly.

CRM-M-5568-2017

Petitioners – Rambool @ Rahul and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 73 dated 15.5.2012, for offences under Sections 148, 149, 323, 324, 326 IPC, registered at Police Station Rajaund, District Kaithal, against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Pardeep - arrayed as respondent No.2.

When the petition came up for hearing on 20.2.2017, notice of motion was ordered to be issued. The respondent No. 1 - State of Haryana through State counsel, whereas respondent No.2 through Mr. Sunny Dhull, Advocate, had put in appearance. Then in light of the contention that parties have since effected compromise, they were directed to put in appearance before the Illaqa Magistrate to get their statements recorded with regard to compromise and the Illaqa Magistrate was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, Kaithal, in terms of which complainant Pardeep and accused, namely, Rambool @ Rahul, Sonu, Ashok Kumar @ Shoki, Rajesh Kumar @ Gupi, Sandeep Kumar, Om Parkash @ Passi and Narender, had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, with free will, without any pressure, coercion or undue influence. Further complainant has stated that he has no objection if the FIR in question is quashed by this Court. There is nothing on

record to doubt the genuineness of the compromise so arrived at between the parties. Alongwith the report statements of the complainant and all the accused, in original, have been annexed.

I have heard learned counsel for the petitioners, learned State counsel, besides going through the record.

Keeping in view the fact that the dispute between the parties has been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or coercion and in terms of ratio of the authority reported as **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, where in para 28, it has been held as under :-

“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 Cr.P.C. 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*”. Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of

such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.”

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the FIR and ancillary proceedings exercising power under Section 482 Cr.P.C., it appears to be a fit case to exercise such powers.

Accordingly, the petition is allowed and the abovesaid FIR alongwith ancillary proceedings are hereby quashed.

6.2.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No