

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-5120 of 2019

Date of decision: 19.08.2019

Manjeet

.. Petitioner

Versus

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Neeraj Sheoran, Advocate
for the petitioner.

Mr. Raj Kumar Makkar, DAG, Haryana.

Mr. Ankit Chahal, Advocate
for respondent no. 2.

SURINDER GUPTA, J.(Oral)

The petitioner has filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No.161 dated 27.03.2017 (Annexure P-1), registered for offences punishable under Sections 323, 325 read with Section 34 of Indian Penal Code (for short 'IPC') and 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Sadar Bhiwani, District Bhiwani, along with all consequential proceedings arising therefrom, on the basis of compromise dated 22.01.2019 (Annexure P-5).

Reply by way of affidavit of Deputy Superintendent of Police, Tosham, District Bhiwani, filed by learned State counsel is taken on record.

Learned counsel for the petitioner submits that the matter has since been settled vide compromise, copy of which has been placed on file as Annexure P-5.

As per allegations in the FIR, the occurrence took place on

18.03.2017 at about 09.00 a.m., when complainant was addressed with casteist and abusive language and caused injuries by the petitioner and Surjit. Report against the petitioner was presented before the Juvenile Justice Board, where his trial is pending and regular challan against co-accused, Surjit, was filed in Court, in which he is stated to have been convicted.

Learned counsel for respondent No.2-complainant has submitted that in view of the compromise (Annexure P-5), respondent no. 2-complainant has no objection if the impugned FIR (Annexure P-1) is quashed.

Learned State counsel has also not disputed compromise (Annexure P-5).

As per report of Principal Magistrate, Juvenile Justice Board, Bhiwani, complainant and petitioner have arrived at an amicable settlement, which seems to be genuine, voluntarily and without any pressure or coercion. Statements of petitioner as well as complainant were recorded by the Principal Magistrate, Juvenile Justice Board.

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed. Keeping the case pending will not serve the ends of justice. The quashing of the FIR will provide the parties to this petition an opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties but also for their families and ultimately the society at large.

For the reasons as discussed above, the instant petition is

allowed and the impugned FIR No.161 dated 27.03.2017 (Annexure P-1), registered for offences punishable under Sections 323, 325 read with Section 34 'IPC' and 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Sadar Bhiwani, District Bhiwani, along with all consequential proceedings arising therefrom, qua petitioner, is quashed.

August 19, 2019

jk

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No