

(Through Video Conferencing)

CRM-M -7476-2020 (O&M)

Date of Decision: 24.08.2020

Mahdi

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Tarun Dhingra, Advocate for
 Mr. Aakash Juneja, Advocate, for the petitioner.
 Ms. Tanushree Gupta, Deputy Advocate General, Haryana.
 Mr. Sunil Kumar Tandon, Advocate, for respondent No.2.

NIRMALJIT KAUR, J. (ORAL)

The present petition has been filed for quashing of the FIR No.84 dated 4.3.2019 under Sections 511, 379, 34 IPC, Police Station Rohtak Sadar, District Rohtak as well as charge-sheet dated 14.5.2019 and further proceedings thereon, on the basis of compromise.

The above noted case was registered on the statement of respondent No.2-complainant, Aman s/o Anil Kumar and FIR No.84 dated 4.3.2019 under Sections 511, 379, 34 IPC, Police Station Rohtak Sadar, District Rohtak. It is stated that the matter has been sorted out during the pendency of the case, the misunderstanding between the parties stand removed and the dispute between them has been resolved and both the parties have settled the matter.

While issuing notice of motion on 19.2.2020, the parties were directed to appear before the trial Court/Illaq Magistrate on 3.3.2020 or any other date convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate was directed to submit a report before the next date of hearing i.e. 13.03.2020 containing the following information :-

- “1. Number of persons arrayed as accused in FIR.
2. Whether any accused is proclaimed offender.
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.
4. Whether the accused persons are involved in any other case or not.
5. Current stage of the case.

The trial Court is further directed to record the statement of the Investigating Officer as to how many victim/complainants are there in the FIR.”

In compliance of the order dated 19.2.2020, report dated 5.3.2020 of Addl. Chief Judicial Magistrate, Rohtak, has been received stating therein that compromise was genuine, voluntarily and without any coercion or undue influence and the matter has been amicably settled amongst them and that there was only one accused in the FIR and nor he was proclaimed offender. The same is taken on record. Statements of parties are also placed on record.

In view of the above report, this Court is satisfied that the compromise is genuine.

Hon'ble Supreme Court in the case of **Madan Mohan Abbot Versus State of Punjab**, 2008 (2) RCR (Criminal) 429, wherein it has been observed as under:-

“We need to emphasize that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly overburdened as they are, cannot afford and that the so saved can be utilized in deciding

more effective and meaningful litigation.

That a Five Judge Bench of our own High Court in **Kulwinder Singh and others Versus State of Punjab and another**, 2007 (3) RCR (Criminal) 1052, too stated that “The compromise, in a modern society, is the sine qua non of harmony and orderly behavior. 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 is turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.

The learned counsel for the complainant confirms the compromise and stated that he has instructions to state that the complainant has no objection, if the FIR is quashed.

In view of the above, this Court has no inhibition in accepting the compromise and to quash the FIR on the basis of said compromise. Accordingly, the present petition is allowed and the FIR No.84 dated 4.3.2019 under Sections 511, 379, 34 IPC, Police Station Rohtak Sadar, District Rohtak alongwith subsequent proceedings arising therefrom are quashed.

It goes without saying that the parties will be bound by the said compromise.

(NIRMALJIT KAUR)
JUDGE

24.8.2020
sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No