

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-25933-2020****(Heard through VC)****Date of decision: 13.10.2020****Sudesh and another****....Petitioners****V/s.****State of Haryana and others****.....Respondents****CORAM: HON'BLE MS. JUSTICE RITU BAHRI.**

Present: Mr. Raman Chawla, Advocate for the petitioners.

Ms. Sheenu Sura, DAG, Haryana.

Mr. Sushil K. Sharma, Advocate
for respondents No. 2 and 3.

Ritu Bahri, J. (Oral)

Quashing of FIR No. 132 dated 09.08.2010, under Sections 323, 324, 325, 326 and 34 IPC, registered at Police Station Bhatu Kalan, District Fatehabad (Annexure P-1) and subsequent proceedings arising therefrom, are being sought on the basis of compromise dated 18.03.2020 (Annexure P-5). FIR (Annexure P-1) was registered on the basis of statement made by Pawan-respondent No.2. On 07.08.2010, Pawan Kumar son of Dalip Singh and Kamla Devi wife of Dalip Singh were admitted at CHC Bhatu Kalan on account of injuries suffered by them. On 09.08.2010 statement of Pawan Kumar was recorded by narrating the facts that he and his mother Kamla Devi were making Nakka/Bandh (diversion of water) in water channel (Khal) for irrigating their agricultural field. The accused Sudesh Kumar and Bhagirath, both sons of Hari Singh were irrigating their water field, one killa behind. They came and objected regarding irrigation pursuits carried by Pawan Kumar and his mother. When Pawan Kumar

stuck to his stand, Bhagirath hit a lathi on the hands of Pawan Kumar, Sudesh hit raapri on the head of Pawan Kumar and Kamla Devi received a lathi blow on mouth and three teeth of Kamla Devi broke. Thereafter report under Section 173 Cr.P.C. was presented and charges were framed. Finally learned JMIC, Fatehabad has convicted Sudesh Kumar and Bhagi Rath vide judgment and sentence dated 11/13.8.2012. The appeal filed by Sudesh Kumar and Bhagi Rath was dismissed vide order dated 05.08.2013 by the learned Additional Sessions Judge, Fatehabad. Thereafter Criminal Revision bearing No. 2598/2013 was filed before this Court and the same is pending for final adjudication. However during the pendency of revision petition, the matter has been compromised between the parties vide compromise deed dated 18.03.2020 (Annexure P-5), which has been duly signed by complainant-Pawan (respondent No.2), Kamla Devi (respondent No. 3) as well as petitioners- Sudesh and Bhagi Rath.

Learned State counsel informs that the matter has been duly compromised between the parties.

Learned counsel for the complainants also states that as per compromise dated 18.03.2020 (Annexure P-5), the matter has been amicably resolved between the parties.

A perusal of the compromise deed dated 18.03.2020 (Annexure P-5) shows that the compromise has been effected voluntarily, without any pressure, coercion and with free will of the parties. They have no objection if the FIR (Annexure P-1) is quashed. Photocopies of Aadhaar cards of complainant- Pawan Kumar (respondent No.2) and Kamla Devi-(respondent No.3) have been attached as Annexure P-8 (colly).

Keeping in view the prevailing COVID-19 situation and the fact that the compromise has been effected between the parties vide compromise deed dated 18.03.2020 (Annexure P-5), whereby they have decided to get the FIR quashed, it is a fit case where there is no impediment in the way of the Court to exercise its inherent powers under Section 482 Cr.P.C for quashing of FIR in the interest of justice. Consequently, in view of the judgments passed by the Hon'ble Supreme Court in ***Madan Mohan Abbot vs. State of Punjab 2008(4) S.C.C. 582*** and the law laid down by the Full Bench of this Court in the case of ***Kulwinder Singh and Ors. vs. State of Punjab and another 2007(3) RCR (Crl.) 1052***, no useful purpose would be served in prolonging the litigation. Accordingly, FIR No. 132 dated 09.08.2010, under Sections 323, 324, 325, 326 and 34 IPC, registered at Police Station Bhattu Kalan, District Fatehabad (Annexure P-1) and subsequent proceedings arising therefrom, is quashed with all consequential proceedings arising therefrom qua the present petitioners.

Petition stands allowed accordingly.

13.10.2020

Divyanshi

**RITU BAHRI
(JUDGE)**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No