

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25929-2020
(Heard through VC)
Date of decision: 13.10.2020

Pawan and another**....Petitioners****V/s.****State of Haryana and others****.....Respondents****CORAM: HON'BLE MS. JUSTICE RITU BAHRI.**

Present: Mr. Sushil K. Sharma, Advocate for the petitioners.

Ms. Sheenu Sura, DAG, Haryana.

Mr. Raman Chawla, Advocate
for respondents No. 2 and 3.

Ritu Bahri, J. (Oral)

Quashing of FIR No. 132 dated 17.07.2011, under Sections 323, 324, 325, 326, 506 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 Sudesh-respondent No.2 to the effect that on 17.07.2011, he along with his brother were returning to their house after irrigating their fields. The complainant was ahead of his brother Bhagi Rath. At about 1:30 a.m. when the complainant reached near Primary School turning point (mor), he found Pawan, Anil, Subhash and Virender were hidden there. They started abusing him. In order to kill the complainant, accused Virender inflicted injuries with 'gandasi' on the head and between the thumb and finger of complainant. Thereafter, Anil gave 'barchii' blows on the finger and elbow of left hand of complainant. Anil inflicted various injuries on the legs of complainant. When the complainant

fell down on the ground, Pawan and Subhash gave him severe beating with sticks, fists and punches. When the complainant and his brother raised noise of 'mar-diya', 'mar-diya', the accused fled away from the spot with their respective weapons. In this background, the FIR was registered. Now, with the intervention of respectable persons, 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 Sudesh (respondent No.2), Bhagi Rath (respondent No. 3) as well as petitioners-Pawan and Virender.

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

Learned counsel for complainant-Sudesh (respondent No.2) 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 P5) 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 Sudesh-complainant (respondent No.2) and Bhagi Rath (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 17.07.2011, under Sections 323, 324, 325, 326, 506 and 34 IPC, registered at Police Station Bhatu Kalan, District Fatehabad (Annexure P-1), 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