

CRM-M-49784-2018
Date of Decision: 27.02.2020

Jasmer (@ Kala and others

... Petitioners

v/s

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rajesh Goyal, Advocate
for the petitioners.

Mr. Baljinder Singh Virk, DAG Haryana.

Mr. R.K.Girdhwal, Advocate
for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 208 dated 09.10.2018, under sections 148, 149, 323, 365, 379-B, 506, 511 of Indian Penal Code registered at Police Station Sanoli, District Panipat and all the consequential proceedings arising therefrom, on the basis of the compromise.

Precisely, the allegations in the FIR are to the effect that respondent No.2/complainant is working as salesman at a liquor vend. On 6.10.2018, the petitioners had snatched a sum of Rs.6,000/- and gave beatings to respondent No.2.

On 28.11.2018, the parties were directed to appear before the Trial Court and get their statements recorded with regard to the compromise arrived at between them.

The Trial Court was directed to record the statements of all the

concerned and sent his report regarding genuineness and voluntary nature of the compromise.

In compliance of the order dated 28.11.2018, learned Judicial Magistrate 1st Class, Samalkha has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“In the above said Criminal Miscellaneous No. 49784 of 2018 vide order dated 28.11.2018 the parties were directed to appear before the Trial Court for getting their statements recorded regarding the veracity of the compromise reached between them. In furtherance of the said directions, statements of the complainant and the accusee with regard to the compromise entered between the parties have been recorded. It has been verified that both the complainant and accused have agreed to enter into a compromise and the compromise entered between the parties is genuine, without any pressure or undue influence.”

After hearing learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at a settlement, out of the Court, by way of compromise. The compromise is without any pressure and is a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

For the aforesaid view, this Court finds support from ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, upheld by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and***

Accordingly, the present petition is allowed and FIR No. 208 dated 09.10.2018, under sections 148, 149, 323, 365, 379-B, 506, 511 of Indian Penal Code registered at Police Station Sanoli, District Panipat and all the consequential proceedings arising therefrom are quashed qua petitioners only.

27.02.2020

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No