

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(116)

CRM-M-7022-2021 (O&M)

Date of Decision: 16.09.2021

Rakesh Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sumit Sangwan, Advocate for the applicant-petitioner.

Mr. Kuldeep Tiwari, Additional Advocate General, Haryana.

Mr. Vikran Rana, Advocate for respondents No.2 to 5.

...

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

CRM-27541-2021

Prayer made in the application is for preponement of the hearing of main case, which is fixed for 25.11.2021.

Noticing the prayer made in the application, it is allowed. The hearing of the main case is preponed to today and it is ordered to be taken on Board.

CRM-M-7022-2021

The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of the FIR No.0308 dated 06.12.2020, registered for offences under Sections 147, 149, 427 and 506 of

the Indian Penal Code, 1860, at Police Station Badhra, District Charkhi Dadri (Annexure P-1) alongwith all subsequent proceedings arising therefrom, on the basis of affidavit dated 09.02.2021 (Annexure P-2) and compromise dated 09.02.2021 (Annexure P-3).

Vide order dated 15.02.2021, the parties were directed to appear before the Illaqa Magistrate/trial Court to get their statements recorded regarding the compromise and a report was called for from the Court.

After recording the statements of the accused-petitioner, complainant-respondents No.2 to 5 and the Investigating Officer, the Judicial Magistrate Ist Class, Charkhi Dadri has submitted the report, relevant extract of which is as under:-

“(1) Number of accused arraigned in the FIR.

As per report submitted by the Investigation Officer namely SI Pawan Kumar, Police Station Badhra there is only one accused by name i.e. Rakesh @ Raka and other 7-8 unknown persons in this case, and no accused is proclaimed offender.

(2) Name of complainant and aggrieved/injured persons

In the present case, Smt. Sunita wife of Shri Hari Kishan, resident of village Berla is complainant and Smt. Pooja Devi wife of Amit Kumar, Shri Hari Kishan son of Shri Har Chand and Amit Kumar son of Narender Kumar, all residents of village Berla, Badhra,

District Charkhi Dadri are aggrieved persons and all of them appeared before the Court in person and made their statements regarding their compromise with the accused.

(3) *The stage of trial/proceedings*

The present case is at initial stage and the accused is to be produced before the Court.

(4) *Whether the compromise is genuine, voluntary and without any coercion or undue influence:*

On 19.03.2021 both the parties appeared and their statements were recorded. Complainant Sunita Devi and aggrieved persons namely Pooja Devi, Hari Kishan and Amit Kumar suffered their statements to the effect that the matter has been compromised with the accused person and written compromise is Ex.C1 and they have no objection if the case is decided as per compromise. Thereafter, statement of accused namely Rakesh @ Raka has also been recorded and he has also stated that the matter has been compromised with the complainant and aggrieved persons and requested that as per compromise Ex.C1 case may be decided. Considering the statements of complainant, aggrieved persons and accused, this Court believes that the compromise is genuine, voluntary and without any

coercion or undue influence.

(5) *Statement of Investigating Officer regarding pendency of criminal case against the accused*

In compliance of order dated 15.02.2021 passed by Hon'ble High Court in Criminal Misc. No. M-7022 of 2021, statement of SI/Investigating Officer Pawan Kumar, Police Station Badha has been recorded in which he stated that an another criminal case except the present one bearing FIR No.52 Dated 25.03.2018 is also pending against the accused Rakesh @ Rakka at Loharu.

Both of the parties were identified by their respective learned counsels. It appears that the compromise arrived between the parties is with their own free will and for benefit of both the parties.”

Supreme Court in ***Gian Singh Versus State of Punjab and another***, 2012(4) RCR (Criminal) 543 has held that the High Court has wide power under Section 482 of the Code of Criminal Procedure to quash an FIR or complaint having predominantly civil flavour or involving matrimonial offences and family disputes wherein the wrong is basically private or personal in nature and the parties have resolved their entire dispute. The Full Bench of this Court in case ***Kulwinder Singh vs. State of Punjab and another***, 2007(3) RCR (Criminal) 1052 and Division Bench of this Court in case ***Sube Singh and another vs. State of Haryana and another***, 2013(4) RCR (Criminal) 102 held that compounding of offence

can be allowed even after conviction, during pendency of the appeal and even in cases involving non-compoundable offences.

Counsel for the parties are also ad idem that in view of the settlement of the dispute between the parties, the present petition deserves to be accepted. In view of the above, no purpose will be served in continuing with the criminal proceedings.

Accordingly, the petition is allowed. FIR No.0308 dated 06.12.2020, registered for offences under Sections 147, 149, 427 and 506 of the Indian Penal Code, 1860, at Police Station Badhra, District Charkhi Dadri (Annexure P-1) alongwith all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

16.09.2021
Pardeep

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