

205-2

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26867-2021

Date of decision: 14.12.2021

KHUSWANT ALIAS MONU

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Baljeet Beniwal , Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

Mr. Sudhir Rana, Advocate
for respondent No.2.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)*

VIVEK PURI,J. (ORAL)

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No. 243 dated 10.07.2020, under Sections 323/506/294/452/427 IPC, 1860, registered at Police Station Rewari City, District Rewari and all the consequential proceedings arising therefrom, on the basis of compromise.

Briefly, the FIR has been registered at the instance of respondent No.2 alleging that on 08.07.2020 at about 10:30 AM, the petitioner entered the shop of respondent No.2, abused him, threatened to kill, gave beatings and use abusive language.

On 27.09.2021, parties were directed to appear before the Trial Court/Illaq Magistrate 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 send its report regarding genuineness and voluntary nature of the compromise.

In compliance of the order dated 27.09.2021, learned Chief Judicial Magistrate, Rewari has recorded the statements of the parties and submitted its report dated 01.11.2021, the relevant para whereof reads as under:-

“ Papers taken up as an application has been filed by the applicant/accused person through his counsel to record the statements of parties in pursuance of order dated 27.09.2021 passed by Hon’ble Punjab and Haryana High Court in CRM-M-26867-2021 (O&M).

Complainant Ashok and accused person/petitioner Khushwant Singh had appeared in person in the Court on 26.10.2021, copy of order passed by the Hon’ble Punjab and Haryana High Court, Chandigarh dated 27.09.2021 in CRM-M-26867 OF 2021 (O&M) and also placed on record. As per this order, the trial Court has been asked to record the statements of the parties and submit report to the Hon’ble Punjab and Haryana High Court, Chandigarh. In compliance of the direction of the Hon’ble Punjab and Haryana High Court, the statement of the complainant Ashok and accused person/petitioner Khuswant Singh have been recorded.

The complainant Ashok has stated that the case FIR No. 243 dated 10.07.2020 under Sections 323/506/294/452/427 of IPC, Police Station City Rewari was registered, on basis of his complaint against the accused person but he has now entered into a compromise with accused person Khushwant Singh, out of his own free will and volition and he does not want to pursue the present case. Similarly, the accused person/petitioner Khushwant Singh has also stated that he has also compromised the matter with the complainant Ashok and the compromise is entered by them voluntarily.

Both the complainant Ashok and the accused person/petitioner Khushwant Singh have been identified by their respective counsels, namely Sh. R.K.Gera, Advocate for complainant and Ms.

Monika, Advocate for accused person.

Also notice was issued to SHO PS City Rewari who has filed his report stating therein that no PO proceedings are pending against accused Khushwant @ Monu.

In the present case besides recording the statements of the parties, I have also personally enquired from each other of the parties i.e. the complainant and the accused person regarding the compromise and both the parties have stated that they have voluntarily compromised the matter between them. So, in view of the statements made by the complainant Ashok and accused person/petitioner Khushwant Singh. I am of the opinion that the compromise have been arrived at between the parties voluntarily, without coercion and pressure.”

It has been contended by the learned counsel for the parties that they are neighbourers and the dispute between them has been amicably settled. Even, an FIR bearing No.326 dated 05.09.2020, under Sections 354-A/354-C IPC, 1860 and Section 3 of SC/ST Act, 1989, at Police Station Rewari City, District Rewari has been registered at the instance of respondent No.2 wherein also the matter has been amicably settled.

Keeping in view the fact that the parties are neighbourers, the amicable settlement will help in maintaining cordial relations between them in future.

After hearing the 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 a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

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 others (2012) 10 SCC 303*.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No. 326 dated 05.09.2020, under Sections 354-A/354-C IPC, 1860 and Section 3 of SC/ST Act, 1989, registered at Police Station Rewari City, District Rewari and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

14.12.2021
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(VIVEK PURI)
JUDGE

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