

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-29402 of 2020 (O&M)

Date of decision : 7.4.2021

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Rajinder Singh

.....Petitioner

vs.

State of Haryana and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Vishal Singh, Advocate for
Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Karan Garg, Assistant Advocate General,
Haryana.

Mr. Baljeet Beniwal, Advocate for respondents no. 2 to 6.

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H. S. Madaan, J. (Oral)

Petitioner – Rajinder Singh, has brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 128 dated 14.10.2013, for offences under Sections 323,452, 285, 506, 34 IPC and Section 25 of Arms Act, 1959, registered at Police Station Dhand, District Kaithal, qua the petitioner, consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between him and complainant Narender Singh @ Narender Kumar and others - arrayed as respondents No.2 to 6, and the fact that other co-accused of the petitioner have been

acquitted by the trial Court.

As per report sent by Additional Chief Judicial Magistrate, Kaithal, in connected matter bearing CRM-M-8515-2021, which has since been disposed of vide order of even date, petitioner Rajinder Singh is on bail and not a proclaimed offender and it was inadvertently mentioned in the report dated 12.1.2021 sent by Duty Magistrate/JMFC, Kaithal, that he was still a proclaimed person, vide order dated 21.4.2015.

When the petition came up for hearing on 29.10.2020 notice of motion was ordered to be issued. The respondent No. 1 - State of Haryana through State counsel, whereas respondents No.2 to 6 through Mr. Baljeet Beniwal, Advocate, had put in appearance. Then in light of the contention that parties have since effected compromise, they were directed to put in appearance before the trial court to get their statements recorded with regard to compromise and the said Court was directed to send a report to this Court.

Report has been received from Duty/Judicial Magistrate Ist Class, Kaithal, in terms of which complainant Narender Singh @ Narender Kumar, Gulab Singh, Promila @ Milli, Murti Devi and Baldevi and accused, namely, Rajinder Singh, had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, with free will, without any pressure, coercion or undue influence. Further complainant have stated that they have no objection if the FIR in question is quashed by this Court. There is nothing on record to

doubt the genuineness of the compromise so arrived at between the parties. It has been reported that no accused has been declared proclaimed offender in the FIR in question. Alongwith the report statement of the complainant and the accused, in original, have been annexed.

I have heard learned counsel for the petitioners, learned State counsel, learned counsel for respondents No. 2 to 6 besides going through the record.

Learned State counsel has informed that the trial is going on in this case.

Keeping in view the fact that the dispute between the parties has been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or coercion and in terms of ratio of the authority reported as **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, where in para 28, it has been held as under :-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “*finest hour of justice*”. Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can

safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.”

Accused Vijender, had been booked by the police for offence under Section 25 of the Arms Act and he has since been acquitted by the Court of Additional Chief Judicial Magistrate, Kaithal, vide judgment dated 6.6.2017 and there are no allegations of violation of any provision of Arms Act against the present petitioner.

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the FIR and ancillary proceedings exercising power under Section 482 Cr.P.C., it appears to be a fit case to exercise such powers.

Accordingly, the petition is allowed and the abovesaid FIR alongwith ancillary proceedings are hereby quashed.

7.4.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No