

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M-4019-2022
Decided on : 24.08.2022**

Rocky and others

... Petitioner(s)

Versus

State of Haryana and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Kanika Ahuja, Advocate
for the petitioner(s).

Mr. Saurabh Girdhar, AAG, Haryana.

Ms. Kashish Sahni, Advocate
for respondent No.2.

SANJAY VASHISTH, J. (Oral)

The prayer in this petition filed under Section 482 Cr.P.C., is for quashing of an FIR No.189, dated 25.09.2020, lodged under Sections 148, 149, 186, 332, 333, 353, 379-B, 506, 120-B, 201 of IPC, registered at Police Station Babain, District Kurukshetra (Annexure P-1), along with all consequential proceedings arising therefrom on the basis of a compromise-deed dated 13.01.2022 (Annexure P-2), arrived at between the parties.

Vide order dated 09.05.2022, this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 13.01.2022 (P-2).

The Illaqa Magistrate/trial Court was to submit a report in this regard giving certain details as enumerated in the said order.

Pursuant to the orders dated 09.05.2022 passed by this Court, the parties have appeared before the Additional Sessions Judge, Kurukshetra, and as per the report dated 26.05.2022 submitted to this Court, both the parties have got recorded their respective statements in Court.

A perusal of the aforesaid report would show that the parties have effected a genuine compromise without there being any pressure, coercion or undue influence. In view of the compromise there is a remote possibility of the complainant coming forward to support the prosecution case. The powers under Section 482 Cr.PC can be exercised in such like situation in order to prevent unnecessary vagaries of criminal trial to be faced by the parties, when there are remote chances of conviction of the accused. The compromise in question is found to be fully in consonance with the direction issued by the Court in ***“Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543”***.

Besides above, on the basis of observations made by the Hon'ble Apex Court in ***Gian Singh's case (supra)***, this Court raised certain queries to the counsel for the petitioner that to clarify the facts of the present case and whether the nature of offences would fall under the exceptions mentioned in para 57 or not ?

Learned counsel while assisting the Court referred to para 57 of the judgment of the ***Gian Singh's case (supra)*** and argues that as per the observations, offences of murder, rape and dacoity and offences under the Prevention of Corruption Act, have been defined separately. In the present case, where the petitioners are seeking quashing of the FIR, there is no grievous injury to any of the victim. Counsel for the petitioner further submits that as per the allegations, there is no deadly weapons in the hands of the accused, therefore, provisions of Section 379-B of IPC, would not be attracted in the present case.

Issue in regard to Section 379-B of IPC, 1860 and quashing of

the proceedings on the basis of compromise was also dealt with by this Court in a judgment dated **12.05.2022**, passed in **CRM-M-5004-2022 (Simranjeet Singh and others Vs. State of Punjab and others)**. Some of the factors observed in para 10 of the aforesaid judgment are identical to the facts of present case. In the aforementioned cited case of Simranjeet Singh and others, proceedings have been quashed relying upon the compromise arrived at by the parties.

Therefore, in the facts and circumstances of the case and the alleged offences do not fall in the exceptions mentioned in para 57 of the judgment of the ***Gian Singh's case (supra)*** and further, in view of the aforesaid report of the learned Additional Sessions Judge, Kurukshetra, accompanied by statements of both the parties, the FIR No.189, dated 25.09.2020, lodged under Sections 148, 149, 186, 332, 333, 353, 379-B, 506, 120-B, 201 of IPC, registered at Police Station Babain, District Kurukshetra, along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

August 24, 2022

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No