

DALBIR NAGAR AND ORS.**...PETITIONERS****VERSUS****STATE OF HARYANA AND ORS.****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Namish Sodhi, Advocate for
Mr. Keshav Pratap Singh, Advocate for the petitioners.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

Mr. Vishal Singh, Advocate
for respondent Nos. 2 and 3.

VIVEK PURI, J. (ORAL)

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.242 dated 26.08.2021 under Sections 147/148/149/323/354-A/506 IPC (Sections 148 and 325 IPC added later on), registered at Police Station Kheripul, District Faridabad and all the consequential proceedings arising therefrom, on the basis of compromise.

Briefly, the FIR has been registered on the allegations that respondent No.2 had gone to Adore Happy Home Society, Sector-86, Faridabad where petitioner No.1 gave her push with mala fide intention. Subsequent, the injuries were inflicted upon respondent No.3 who is the brother of respondent No.2.

On 08.02.2022, 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.

concerned and send its report regarding genuineness and voluntary nature of the compromise.

In compliance of the order dated 08.02.2022, learned Judicial Magistrate 1st Class, Faridabad has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

- “i) Accused namely Dalbir Nagar, Nitin Kumar, Gaurav and Sanjeev Bhati are accused in the present FIR.*
- ii) As per statement of I.O/ASI Sanjay Kumar, P.S Kheripul, no accused has been declared proclaimed offender in this case.*
- iii) Compromise arrived between the parties appears to be genuine, voluntarily and out of free will.*
- iv) As per the statement of I.O/ASI Sanjay Kumar recorded on 08.04.2022 there are total four accused involved in the present case and they are not involved in any other case.*
- v) As per the statement of I.O/ASI Sanjay Kumar recorded on 08.04.2022 there is only one complainant namely Kalpana Sharma in the present FIR.”*

Learned counsel for the petitioners contend that the dispute between the parties has been amicably settled in terms of compromise deed dated 29.11.2021 (Annexure P-2). Petitioner Nos.2 to 4 have been nominated on the basis of the disclosure statement of petitioner No.1. Petitioner No.1 is the resident of Adore Happy Home Society, Sector 86, Faridabad where the brother and mother of the complainant are also residing. As such, the amicable settlement will help in maintaining the cordial relations between them in future.

Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

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.

The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the private dispute has been sought to be amicably settled. Consequently, a deserving case is made out where the court should exercise the power to secure the ends of justice.

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 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. 242 dated 26.08.2021 under Sections 147/148/149/323/354-A/506 IPC (Sections 148 and 325 IPC added later on), registered at Police Station Kheripul, District Faridabad 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.

02.08.2022
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(VIVEK PURI)
JUDGE

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