

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5681-2020

Date of Decision: 26.04.2022

RAJBIR AND OTHERS

... PETITIONERS

VS.

STATE OF HARYANA AND OTHERS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Pawandeep Singh, Advocate
for the petitioners.

Mr. Ramesh Kumar, AAG, Haryana.

Mr. Anand Vardhan Khanna, Advocate
for respondents No.2 to 4.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No.0291 dated 18.09.2019 under Sections 323/354-B and 509 IPC registered at Police Station Furrukh Nagar, District Gurugram on the basis of compromise.

Briefly, the FIR has been registered on the allegations that on 17.09.2019, the petitioners came at tea stall of private respondents. They tore the suit worn by respondent No.2 and physically assaulted respondents No. 2 to 4.

On 10.02.2020, the parties were directed to get their statements recorded before the learned trial Court/Illaq Magistrate.

In compliance of the order dated 10.02.2020, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class,

Pataudi, has sent the report and the relevant portion whereof is reproduced

here-in-below:-

“Vide order dated 10.02.2020 passed by Hon'ble High Court, the parties in the present case were directed to appear before the trial Court/Illaqu Magistrate on 06.03.2020 or any other date for recording of their statements of compromise/settlement and trial Court was directed to record the statements of both the parties and to submit the report regarding genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party.

In pursuance of which, complainant/injured Lalita, Ajeet and Ashish and as well as accused Rajbir, Mahabir and Naveen appeared before the Court. The nature and consequence of the statement being recorded by both the parties was explained to them and after being satisfied that the statements were being made voluntarily, statements of the concerned parties were recorded. Statement of complainant/injured Lalita, Ajeet and Ashish as well as accused Rajbir, Mahabir and Naveen were recorded with regard to their compromise. Complainant/Injured Lalita, Ajeet and Ashish stated that now compromise has been effected between them and accused and they do not want to continue with criminal proceedings against the accused persons. Similarly accused Rajbir, Mahabir and Naveen also stated that they have compromised the case with the complainant/injured and FIR kindly be quashed. Complainant/injured Lalita, Ajeet and Ashish are duly identified by their counsel Sh. Vinod Kaushik, Advocate and accused Rajbir, Mahabir and Naveen are duly identified by his counsel Sh. Raj Kumar, Advocate. Photocopies of Identity card of complainant/injured Lalita, Ajeet and Ashish as well as of the accused Rajbir, Mahabir and Naveen

have also been placed on record as Annexure A1 to Annexure AVI. L/ASI Madhu suffered a statement that PO proceedings are not pending against any of the party in this case.

In view of the statements of the parties, I am satisfied that they have compromised the matter amongst themselves without any fear, coercion or inducement and that the compromise has been voluntarily arrived at between the them.”

Learned counsel for the petitioners contend that the dispute of the co-villagers has been sought to be amicably settled in terms of the compromise contained at Annexure P-2. The parties are from the same brotherhood and residents of the same village. An amicable settlement will help in maintaining the cordial relations between them in future.

Learned counsel for respondents No.2 to 4 has not disputed the aforesaid factual aspect(s) and has stated that he has no objection if the FIR is quashed.

After hearing 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 dispute of co-villagers 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.0291 dated 18.09.2019 under Sections 323/354-B and 509 IPC registered at Police Station Furrukh Nagar, District Gurugram on the basis of compromise is ordered to be quashed, however, qua the petitioners only.

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

26.04.2022
smriti

(VIVEK PURI)
JUDGE

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