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

**CRM-M-11010-2020
Date of Decision: 01.09.2022**

Aryan Raj Bhatia Petitioner

Versus

State of Haryana and others Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. J.P. Bhati, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Balbir Singh, Advocate,
for respondent Nos.2 & 3.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 482 of the Code of Criminal Procedure with a prayer for quashing of the FIR bearing No.154, dated 04.04.2018, under Sections 279, 337, 427, of the IPC (Section 338 of the IPC later on added in challan), registered at Police Station Badshahpur, District Gurugram (Annexure P-1) on the basis of compromise dated 22.02.2020 (Annexure P-2) arrived at between the parties.

Learned counsel for the petitioners has submitted that it is a case where the minor boy was injured in an accident and received minor injuries and the FIR under Section 279, 337, 427, 338 of the IPC was registered. Lateron, the matter was compromised between the parties. He further submitted that the present case does not fall in the category of any serious or heinous offence and the matter has been settled after giving due compensation

to the injured as per the compromise (Annexure P-2). He also submitted that in pursuance of the orders passed by this Court on 16.03.2020, the parties have appeared before the learned Illaqa Magistrate/trial Court where the statements have been recorded and in view of the aforesaid facts and circumstances, he has prayed that the FIR may be quashed based upon the compromise. He further submitted that although the charges have already been framed in the present case but no witnesses have been examined and prayer in the petition is for quashing of the present FIR with all the subsequent proceedings therefrom.

On the other hand, Mr. Surinder Kumar Dagar, learned Deputy Advocate General, Haryana, has stated that it is correct that the parties have got their statements recorded in pursuance of the orders passed by this Court on 16.03.2020 and it was the case of simple injuries only.

Mr. Balbir Singh, Advocate has caused appearance on behalf of respondent Nos.2 & 3 and has stated that the statements of the parties have been recorded before the learned Illaqa Magistrate/trial Court and they have no objection in case the FIR with all the subsequent proceedings is quashed, since the matter is amicably settled between the parties.

I have heard the learned counsels for the parties.

In pursuance of the orders passed by this Court on 16.03.2020, the parties were directed to appear before the learned Illaqa Magistrate/trial Court within a period of one month and a report has been received from the learned Judicial Magistrate First Class, Gurugram, in which it has been stated that both the parties have appeared and statements of both the parties were got recorded separately. The complainant, namely, Preety Beriwal and the father of the injured have stated that they have arrived at compromise with the accused

Aryan with their free consent and without any pressure and the compromise is in the interest of both the parties and further stated that they have no objection in case the aforesaid FIR is quashed. It has been further stated in the report that the parties have made the statements voluntarily and the compromise is genuine and without any threat or coercion. Apart from the same, as per the report of the Police Station Badshahpur, Gurugram, none of the parties is a proclaimed person.

The law with regard to the quashing of the FIR on the basis of compromise, is well settled by the Hon'ble Supreme Court in “**State of Madhya Pradesh Vs. Laxmi Narayan and others**”, 2019(2) SCC (Crl.) 706 and also in “**Gian Singh Vs. State of Punjab and another**”, 2013(1) SCC (Crl.) 160 and Full Bench judgment of this Court in “**Kulwinder Singh and others Vs. State of Punjab 2007 (3) R.C.R. (Criminal) 1052**,” that when it is in the interest of justice and to secure the end of justice, the FIR can be quashed based upon compromise then the powers under Section 482 of the Code of Criminal Procedure can be exercised. However, such a power should not be exercised when the offences are very serious or heinous offence.

However, the present case does not fall in the category of some serious or heinous offence. Voluntary statements have already been recorded by the effected parties before the learned Judicial Magistrate 1st Class, Gurugram in pursuance of the orders passed by this Court.

Therefore, this Court is of the view that there is no bar in quashing of the FIR based upon the compromise and in order to secure the ends of justice, the present FIR needs to be quashed based upon the compromise.

Consequently, the present petition is allowed and FIR bearing No.154, dated 04.04.2018, under Sections 279, 337, 427, 338 of the IPC (later on added in challan), registered at Police Station Badshahpur, District Gurugram (Annexure P-1) with all consequential proceedings arising therefrom, are hereby quashed on the basis of compromise qua the petitioners.

01.09.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes |