

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17730-2022
Reserved on: 27.07.2022
Date of Pronouncement: 02.09.2022

KULDEEP ALIAS KALIA & OTHERS

...Petitioner (s)

Versus

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Tribhawan Singla, Advocate
for the petitioner(s).

Mr. Manish Bansal, DAG, Haryana.

Mr. Kuldeep Chaudhary, Advocate
for respondent no.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
329	18.11.2020	Uklana, District Hisar	147, 149, 323, 452, 506 IPC

The petitioners, arraigned as accused in the above captioned FIR, have come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings based on the compromise with the aggrieved person.

2. During the pendency of the petition, the accused and the aggrieved person have compromised the matter, and its copy is annexed with this petition as Annexure P-2.
3. After that, the petitioners came up before this Court to quash the FIR, and in the quashing petition, impleading the aggrieved person as respondent.
4. On 23.5.2022, the aggrieved person Parveen (R-2) appeared before the JMIC, Hisar and stated that there would be no objection if the court quashes this FIR and consequent proceedings. As per the concerned court's report dated

10.6.2022, the parties consented to the quashing of FIR and consequent proceedings without any threat.

ANALYSIS & REASONING:

5. The following paragraphs of FIR are relevant to consider the compromise:

“This time, it is recorded that I HC is present at Police Station. That yesterday on 15.11.2020 at about 11.55 PM, one dispute with respect to Parveen son of Sardara, resident of Budha Khera, the detail of which is as under: To, SHO Sahib, Police Station Uklana (Hisar). Subject: With respect to forcefully entering the house and life threatening attack by Raman son of Shri Vijay Kumar, Monu son of Sat Har, Sachin son of Satyawar, Kalia son of Pritam, Mukesh son of Krishan, J.P. son of Satyawar, Monu son of Om and other unknown 15 persons. Sir, it is submitted that I Parveen Kumar son of Sardara, Caste Chamar is permanent resident of Village Budha Khera. Today on 15.11.2020, there is a small party of my marriage at my home and the programme was finished by 8.00 PM. Thereafter, the aforesaid persons alongwith their weapons had attacked my house in which we have received injuries. First they attacked us. Thereafter, by entering our house, they have also attacked the females of the house and our mother and sisters saved their life by hiding themselves. When we locked the gate of our house, they also tried to break it and they repeatedly attacked with stones and sticks. Raman had tried to swoop on the face of my sister in law Rachna wife of Sh. Rajesh Kumar and her nose ring was fell down which we could not found and in the hands of Monu son of Om Parkash, there is a bright iron rod in his hand and Monu son of Sat Har had said that rod be hit on the head only then he will die and with this rod, he had attacked a boy and the boy had saved himself and the rod hit the floor and J.P. son of Satyawar had attacked my brother in law Vikram son of Ram Krishan with the knife like object and he suffered an injury on his neck and all of the above are armed with weapons. We tried to give the information to the police and they all ran away from the spot with their weapons and while leaving, they threatened to kill us. Now me and my family are having danger to our lives as these persons can again attack. Strict action be taken against all of them. Sd/- Parveen Applicant son of Sardara, Village Budha Khera, Tehsil Uklana, District Hisar.”

6. It is evident from the above mentioned paras that all the victims did not state about their no objection to the compromise and also the reasons which led to the compromise, as such this court cannot proceed further in this matter.

7. Given above, the petition is dismissed. However, liberty is reserved to the petitioners to file a fresh petition and there would be no necessity re-examine

Parveen and the accused, whose statements stand recorded. The copies of the statements along with report would suffice.

Petition dismissed in the terms mentioned above, with liberty reserved.

(ANOOP CHITKARA)
JUDGE

Sept. 02, 2022
AK

Whether speaking/reasoned:	Yes
Whether reportable:	No.