

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

273

CRM-M-26715-2022

Date of Decision:11.10.2022

Ravinder @ Rinku & ors.

...Petitioners

Versus

State of Haryana & ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present:- Mr. Abhishek Jindal, Advocate,
for the petitioners.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Yashasvi Kapila, Advocate,
for respondents No.2 to 4.

NAMIT KUMAR, J.(Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.216 dated 09.04.2013 under Sections 148, 149, 323, 324, 325, 452 and 506 of IPC along with conviction order dated 19.03.2018 and 21.03.2018 under Sections 323, 324, 325, 452 & 506 read with Section 34 of IPC passed by the learned JMIC, Karnal and all subsequent proceedings arising therefrom on the basis of compromise dated 11.06.2022 (Annexure P-3).

Short reply by way of an affidavit of the Deputy Superintendent of Police, Gharaunda, Karnal, filed on behalf of the respondent-State in Court today, is taken on record.

Vide order dated 16.06.2022, this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 16.06.2022 with regard to the compromise dated 11.06.2022 (Annexure P-3). 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 order dated 16.06.2022 passed by this Court, the parties have appeared before the learned District and Sessions Judge, Karnal and as per the report dated 15.07.2022 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

Reliance is placed upon the case **'Rajesh Kumar and others versus State of Haryana and another'** 2006 (4) R.C.R. (Criminal) 317 and relevant portion of the same is reproduced as under:-

'In view of these facts, merely because the challan was filed arbitrarily by the prosecuting agency, it cannot be said that in given circumstances the FIR cannot be quashed. I am of the opinion that continuation of the proceedings for the alleged occurrence, which took place in the year 1993 in which the matter was compromised between the parties, will be an abuse of the process of the Court.'

The Hon'ble Supreme Court in **"Ramgopal and another versus State of Madhya Pradesh, 2021(4) RCR (Criminal) 322"**, has held that in non-compoundable cases of pre-dominantly private nature, even if compromise is reached after conviction, the proceedings can be quashed under Section 482 Cr.P.C. Further, the compromise in the present case is found to be fully covered in consonance of judgments and the directions 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"**.

The Hon'ble Supreme Court in **"A.T. Sivaperumal versus**

Mohammed Hyath (D) by LRs, decided on 27.03.2017, has held that once the settlement between the parties has been arrived at, the conviction can also be set aside and the litigation too. Similar view has been taken by a Co-ordinate Bench of this Court in the case of **“Jagmohan Vs. Sandeep Aggarwal and another 2021(4) RCR (Criminal) 86”**.

In view of the aforesaid report of the learned District and Sessions Judge, Karnal accompanied by statements of both the parties, FIR No.216 dated 09.04.2013 under Sections 148, 149, 323, 324, 325, 452 and 506 of IPC along with conviction order dated 19.03.2018 and 21.03.2018 under Sections Sections 323, 324, 325, 452 & 506 read with Section 34 of IPC passed by the learned JMIC, Karnal, along with all consequential proceedings arising therefrom are hereby quashed, on the basis of compromise, *qua* the petitioners only, subject to the petitioners depositing an amount of Rs.15,000/- as costs, with the Punjab & Haryana High Court Legal Services Committee.

The petition stands disposed off accordingly.

11.10.2022

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**(NAMIT KUMAR)
JUDGE**

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