

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

CRM-M-31019-2021 (O&M)

Date of decision: 22.2.2022

Ravinder alias Binder

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE KARAMJIT SINGH

Present: Mr. Vijay Pratap Singh, Advocate, for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Arun Kumar, Advocate, for respondent No.2.

KARAMJIT SINGH, J.

Prayer in this petition is for quashing of FIR No.85 dated 17.4.2021 registered under Sections 148, 149, 323, 379-B, 506 IPC (Section 325 IPC added later on) and Section 3(2)(va) of SC/ST Act at Police Station Nigdhu, District Karnal on the basis of compromise dated 21.7.2021 (Annexure P-3).

The above stated FIR was registered on the statement of the complainant/respondent No.2-Tinku in which he alleged that on 10.4.2021 at about 8:00 p.m., he was counting the collection of the day while sitting in his shop and in the meantime, 3-4 persons armed with *dandas* and *bindas* trespassed into his shop and started beating him and they also snatched an amount of ₹2370/-, mobile phone make Vivo 430 having dual SIM cards bearing No.85720-40496 and 81990-32473 and that one of the said miscreants was Rakesh @ Babbu who was already known to him. The aforesaid persons also abused him in the name of his caste and then they

went away.

On notice of motion, respondent No.2 appeared in the Court through his counsel and pleaded that he has no objection if the FIR in this case is quashed on the basis of the aforesaid compromise which has been effected between the parties.

During the course of preliminary hearing, the trial Court/Illaq Magistrate was directed to record the statements of the all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

In compliance thereof, report from the Court of Judicial Magistrate, 1st Class, Karnal along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

I have heard learned counsel for the parties.

Learned counsel for the petitioner and for respondent No.2 are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion.

In **Ramawatar v. State of Madhya Pradesh** Criminal Appeal No.1393 of 2011 decided on 25.10.2021, Hon'ble Supreme Court quashed the FIR registered under Section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on the basis of the compromise. Hon'ble Apex court while accepting the said compromise, observed that offence in question though covered under SC/ST Act is primarily private or

account of caste of the victim or where continuation of legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings.

Parties have resolved their dispute and respondent No.2 is not interested in prosecution of the FIR in question against the petitioner. In these circumstances if the prosecution of the petitioner on the basis of FIR in question is kept pending, it will definitely amount to an abuse of the process of law.

For the reasons aforesaid and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another**, 2012 (4) RCR (Criminal) 543 and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007(3) RCR (Criminal) 1052, this petition is allowed and FIR No.85 dated 17.4.2021 registered under Sections 148, 149, 323, 379-B, 506 IPC (Section 325 IPC added later on) and Section 3(2)(va) of SC/ST Act at Police Station Nigdhu, District Karnal and all the subsequent proceedings are hereby quashed qua the petitioner.

Needless to mention that both the parties will abide by the terms and conditions of the compromise Annexure P-3 in letter and spirit.

(KARAMJIT SINGH)
JUDGE

February 22, 2022

Paritosh Kumar

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No