

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

245

CRM-M-32126-2019

Date of decision : 16.03.2022

MANGAL AND OTHERS

....Petitioners

Versus

STATE OF HARYANA AND ORS.

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Gunjan Mehta, Advocate
for the petitioners.

Mr. Gaurav Bansal, AAG, Haryana
for respondent No. 1/State.

Ms. Anshumaan Dalal, Advocate
for respondents No. 2 to 5.

SANT PARKASH, J. (ORAL)

Petitioners have approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure invoking its inherent jurisdiction for quashing of FIR No. 127 dated 25.04.2013 registered under Sections 148, 149, 323, 325, 506 of the Indian Penal Code, 1860 (for short 'the IPC') registered at Police Station Sadar, Rohtak, District Rohtak as well as the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2) arrived at between the parties.

Reply on behalf of respondent No. 1/State is already on the case file.

In para No. 2 of the reply, it has been mentioned that

challan in the present FIR was filed in the Court of learned Illaqa Magistrate, Rohtak and the trial of the case has been concluded. The petitioners were held guilty by the Court of learned Additional Chief Judicial Magistrate, Rohtak vide judgment dated 13.08.2018 and now the petitioners have filed the appeal challenging the said judgment which is pending before the Court of learned Additional Sessions Judge, Rohtak.

Vide orders dated 07.11.2019, the parties were directed to appear before the trial Court to record their statements with regard to the compromise and send a report to this Court. However, the parties did not turn up for recording of their statements before the learned trial Court. Thereafter, vide order dated 29.01.2020, the parties were again directed to appear before the trial Court for recording of their statements. In compliance to the same, report dated 13.03.2020 of learned Judicial Magistrate First Class, Rohtak has been received, wherein it is stated that in pursuance of the order of this Court, the complainant and aggrieved persons have appeared and they have compromised the matter with the accused persons. Statements of the parties were recorded. The parties have compromised the matter in the present case as well as in cross version case. The complainant and victims have no objection in quashing of the FIR. Further, report in the matter received indicates that the compromise effected between the parties is genuine, without any coercion or undue influence.

Learned counsels appearing on behalf of both the parties admit that parties have settled their disputes.

The Hon'ble Full Bench of this Court in case “**Kulwinder Singh v. State of Punjab and another, 2007(3) RCR (Criminal) 1052**” and Hon'ble Division Bench of this Court in case “**Sube Singh and another v. State of Haryana and another, 2013(4) RCR (Criminal) 102**” observed that compounding of offence can be allowed even after conviction, during proceedings of the appeal against conviction pending in Sessions Court and in case of involving non-compoundable offence.

After hearing the learned counsel for the parties and going through 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 an out of the Court settlement by way of compromise (Annexure P-2). 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.

Consequently, keeping in view the fact that the dispute has been amicably settled between the parties and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466**, the present petition is allowed. Resultantly, FIR No. 127 dated 25.04.2013 registered under Sections 148, 149, 323, 325, 506 of the IPC registered at Police Station Sadar, Rohtak, District Rohtak, as well as the consequential proceedings arising therefrom are quashed qua the petitioners and the judgment of conviction and order of sentence passed by learned

Additional Chief Judicial Magistrate, Rohtak, in the present FIR, is set aside. The appeal preferred by the petitioners against the aforesaid judgment would be rendered infructuous.

16.03.2022
kavneet singh

(SANT PARKASH)
JUDGE

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