

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

246

CRM-M-40813-2021

Date of Decision : **February 21, 2022**

TARUN JOSHI

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present: Mr. Pawan Singh, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

Mr. M.S.Chahal, Advocate
for respondent No.2.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.304 dated 17.7.2021, under Sections 323, 427, 506, 509 IPC, Police Station Sector-50, District Gurugram based upon compromise (Annexure P-2) and all other subsequent proceedings arising therefrom.

The learned counsel for the petitioner has submitted that the present FIR was lodged by way of some misunderstanding between the parties and it was a case of no injury and thereafter the matter has been settled between the petitioner and respondent No.2 amicably with the intervention of the respectables vide Annexure P-2. He submitted that although the challan has been presented in the present case after the

completion of the investigation but no useful purpose will be served if any further prosecution is carried on because it was a case which does not fall in the category of serious and heinous crime. In view of the amicable settlement between the parties it will be in the interest of justice to quash the FIR and all the subsequent proceedings against the petitioner.

In the present case, notice of motion was issued by this Court on 29.9.2021 and thereafter on 20.12.2021 the parties were directed to appear before the learned trial Court for the recording of the statements.

The report has been received from the office of the District and Sessions Judge, Gurugram wherein it has been stated that in pursuance of order passed by this Court, the statements of the parties were recorded and there is only one accused in the present case, namely, Tarun Joshi who is the present petitioner and that he is not declared as a proclaimed offender. Furthermore, it has been stated in the report that all the parties named in the FIR have made their respective statements regarding compromise and have appeared before the Court on 6.1.2022 and they have submitted the statements that a compromise has been arrived at between the parties and with the intervention of the respectable persons they have entered into a compromise voluntarily without undue influence or coercion and that the learned learned Judicial Magistrate 1st Class, while recording the statements was satisfied that the statements were made voluntarily.

The learned State counsel has also filed reply in the present case and has submitted that it was a case of no injury and the matter has since been compromised between the parties.

The learned counsel for the respondent No.2 has also submitted that the compromise between the parties has been entered into with the intervention of the respectables and he has no objection in case the FIR is quashed on the basis of the compromise.

I have heard the learned counsels for the parties.

From a perusal of the allegations made in the FIR and the submissions made by the learned counsel for the parties, the present case does not fall in the category of serious and heinous crime and with the intervention of the respectables the matter has since been settled between the parties regarding which statements have been recorded before the learned trial Court to the effect that the compromise was voluntarily in nature and without any undue influence. Further-more, as per the report filed by the learned Judicial Magistrate 1st Class,, the petitioner is the only accused in the present case and is not declared as a proclaimed offender in any case. Therefore, in view of the facts and circumstances of the present case, this Court is of the view that in the present FIR the allegations pertaining to some fight which took place between the petitioner and respondent No.2 in which no injury was caused as per the learned counsel for the parties and, therefore, the present case does not fall in the category of serious and heinous offence and, therefore, it will be in the interest of justice, to quash the FIR and all subsequent proceedings against the petitioner. Therefore, considering the law laid down by the Hon'ble Supreme Court in **Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052 as well as Gian Singh Versus State of Punjab and another 2013 (1) SCC**

(CrI.) 160, this Court is satisfied and deems it fit to quash the FIR and all the subsequent proceedings against the petitioner.

Consequently, the present petition is allowed. FIR No.304 dated 17.7.2021, under Sections 323, 427, 506, 509 IPC, registered at Police Station Sector-50, District Gurugram and all other subsequent proceedings arising therefrom are quashed.

February 21, 2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No