

CRM-M-33389-2019 (O&M)

Reserved on : 22.03.2022

Pronounced on : March 28, 2022

Bharat Verma and another.....Petitioner(s)

Vs.

State of Haryana and another.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vivek Salathia, Advocate for the petitioners.

Mr. Rajat Gautam, DAG, Haryana.

Mr. Vivek Singla, Advocate for respondent No.2.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
228	23.03.2013	Jind City, Jind	406, 420 & 114 IPC

The petitioner(s), arraigned as accused in the above captioned FIR, has come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings based on the compromise with the victim(s).

2. During the pendency of the petition, the accused and the victim(s) have compromised the matter, and its copy is annexed with this petition.
3. After that, the petitioner(s) came up before this Court to quash the FIR, and in the quashing petition, the complainant has been impleaded as respondent(s).
4. Pursuant to the permission granted by this court vide order dated 8 Feb 2022, the 21-3-2022, the victim/complainant-Om Parkash/respondent No.2 gave an affidavit, duly notarized that there would be no objection if the court quashes this FIR and consequent proceedings. Mr. Vivek Singla Ld. counsel appeared on behalf of respondent no. 2 and stated at Bar about no objection .

ANALYSIS & REASONING:

5. Despite the opposition of the State’s counsel to this compromise, the following aspects

would be relevant to conclude this petition. In the present case, the offences under sections 420 & 406 of Indian Penal Code (IPC) are compoundable under Section 320 CrPC. The other offence of section 114 of IPC would go with the primary offence. The main offences are compoundable; thus, even the subsidiary offence under section 114 of IPC automatically becomes compoundable. The prosecution can be closed by quashing the FIR and consequent proceedings given the legislative mandate.

6. In Shakuntala Sawhney v Kaushalya Sawhney, (1979) 3 SCR 639, at P 642, Hon’ble Supreme Court observed that the finest hour of Justice arises propitiously when parties, who fell apart, bury the hatchet and weave a sense of fellowship or reunion.

7. In Himachal Pradesh Cricket Association v State of Himachal Pradesh, 2018 (4) Crimes 324, Hon’ble Supreme Court holds “[47]. As far as Writ Petition (Criminal) No. 135 of 2017 is concerned, the appellants came to this Court challenging the order of cognizance only because of the reason that matter was already pending as the appellants had filed the Special Leave Petitions against the order of the High Court rejecting their petition for quashing of the FIR/Chargesheet. Having regard to these peculiar facts, writ petition has also been entertained. In any case, once we hold that FIR needs to be quashed, order of cognizance would automatically stands vitiated.”

8. Considering the entire facts, compromise, and in the light of the above-mentioned judicial precedents, I believe that continuing these proceedings will not suffice any fruitful purpose whatsoever. In the facts and circumstances peculiar to this case, the Court invokes the inherent jurisdiction under section 482 CrPC and quashes the FIR and all subsequent proceedings qua the petitioner(s). The bail bonds of the petitioner(s) are accordingly discharged. All pending application(s), if any, stand closed.

Petition allowed in the terms mentioned above.

(ANOOP CHITKARA)
JUDGE

March 28, 2022
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.