

CRM-M-35356 of 2019

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

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**CRM-M-35356 of 2019
Date of Decision:11.02.2022**

Jyoti

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Sukhvir Singh Sahu, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana

Ms. Shailza Sharma, Advocate,
for respondent no.2.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

The prayer in this petition is for quashing FIR no.63, dated 13.02.2019, registered at Police Station Safidon, District Jind, alleging therein the commission of offences punishable Sections 379-B of the IPC, as also 3(1)(r), 3(1)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, along with all consequential proceedings arising therefrom, on the basis of a compromise dated 27.09.2019, arrived at between the parties.

Pursuant to the order of this court dated 30.01.2020, a report of the learned trial court, i.e. the learned Addl. Sessions Judge, Jind, dated 24.02.2020, has been received, stating therein that the statement of the complainant, i.e.

respondent no.2 Seema Devi, as also that of the petitioner, were recorded before that court, with it further stated that as per the report filed by the investigating agency, only one person, i.e. the petitioner, has been arraigned as an accused in the matter and with only one person aggrieved in the matter, i.e. respondent no.2.

As per the statement of respondent no.2, which has been annexed with the report (as has a compromise deed produced before that court), it is stated by the said respondent that she was the only person who is aggrieved in the matter, with her having entered into a compromise with the petitioner, and that she had also affixed her thumb impression on the compromise deed.

She has further stated that she has entered into the compromise as they are both inhabitants of the same village and there would be peace and harmony and further that there is no ill-will between them any longer, the compromise having been entered into voluntarily and without any coercion or undue influence.

As per the assessment of the learned Addl. Sessions Judge, the compromise has been made of the free will of the parties.

Though learned State counsel submits on the basis of the reply filed by the ASP, Safidon, that there being also an offence punishable under the provisions of Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the FIR does not deserve to be quashed, yet, looking at the fact that the complainant is the only person shown to be aggrieved of the matter even as regards that offence and obviously it was an emotional and mental injury that was alleged to have been suffered by her, and with her having compromised the matter voluntarily in respect of all offences (with the offence punishable under Section 379-B of the IPC having been deleted by the

investigating agency), I would see no reason to not allow the petition, with learned counsel appearing for the said respondent also submitting that the compromise still subsists between the parties.

It is also to be noticed that a perusal of the FIR otherwise seems to indicate that a very grievous injury had been caused upon the petitioner, in the form of possible amputation of a part of her finger; however learned State counsel very fairly submits that even as per the affidavit of the ASP, as per the MLR, only a simple injury was found to have been inflicted, and consequently other than the offence punishable under the provisions of the Act of 1989, an offence punishable under Section 323 of the IPC was committed (as per the investigating agency).

That being so, looking at the nature of the offences alleged to have been committed, and with the matter having been voluntarily compromised between the parties as per the statements made before the learned Addl. Sessions Judge, Jind, the petition is allowed and FIR No.63, dated 13.02.2019, registered at Police Station Safidon, District Jind, for the alleged commission of offences punishable under Sections 379-B of the IPC (since deleted but with Section 323 of the IPC added), as also 3(1)(r), 3(1)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, along with all proceedings emanating therefrom, is hereby quashed.

February 11, 2022
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No