

CRM-M No. 46767 of 2021

--1--

IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

CRM-M No. 46767 of 2021
Reserved on 01.12.2021
Pronounced on : 05.01.2022

Anuj @ Anuj Chahal and anotherPetitioners

Vs.

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Dinesh Babu Khurana, Advocate for
Mr. Rishi Pal Rana, Advocate
for the petitioners.

Mr. Rajat Gautam, DAG, Haryana.

Mr. Fateh Saini, Advocate
for respondent No.2/complainant.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
0647	13.09.2018	Gharaunda, District Karnal (Haryana)	323, 506 IPC

The petitioners, who have been arraigned as an accused in the above captioned FIR, have come up before this Court under Section 482 CrPC to quash the FIR and all consequential proceedings based on the compromise with the victims.

2. The gist of the allegations against the petitioners are that on 13.09.2018, the complainant/respondent No.2 given a written complaint to the SHO, Police Station, Gharaunda, District Karnal (Haryana) that her son-in-law had given a sum of Rs.7,50,000/- to her son and daughter-in-law. When she asked them to return the money they started quarreling with her and caused injury on her head. After that she was taken to the hospital, Gharaunda. Based on this, the police registered an FIR. The parties, out

of Court, have entered into a compromise, which has been annexed as Annexure P-2. The same forms part of the record. As per the compromise, cross cases were registered, as FIR No.0647 dated 13.09.2018, at Police Station Gharaunda, District Karnal, under Sections 323, 506 IPC, registered by complainant Sheela Devi w/o Mahender Singh r/o Village Raipur Jattan Tehsil Gharaunda, District Karnal (Haryana). The other one is FIR No.0120 dated 25.09.2018, registered at Women Police Station, Panipat, under Sections 323, 341, 354, 365, 498-A, 506, 511 IPC whereby the present petitioner No.2-Anju is the complainant. The parties have compromised both the cross cases filed against each other.

3. During the pendency of the petition, the accused and the injured have compromised the matter, and its copy is annexed with this petition. After that, the petitioners have come up before this Court to quash the FIR, and in the quashing petition, the injured has been impleaded as respondent(s).

4. On the prayer of the parties, the Court had permitted the parties to appear before the concerned Court to record their statements. As per the concerned Sessions Court's report, the victim(s), without any threat, consented to the quashing of FIR and consequent proceedings.

ANALYSIS & REASONING:

5. As per report of Judicial Magistrate Ist Class, Karnal, the statement of the complainant-Sheela Devi as well as accused Anuj @ Anuj Chahal and Anju were recorded to that effect that they have compromised the matter without any pressure, greed and out of their own free will. The complainant further made a statement that she does not want to take any action against accused and has no objection, if the present FIR is quashed. Since the accused are son and daughter-in-law of the complainant and the cross cases have already been compromised with prayer to quash the FIR, this petition is allowed.

6. The following aspects would be relevant to conclude this petition: -

- a) The accused and the private respondent(s) have amicably settled the matter between them in terms of the compromise deed and the statements recorded before the concerned Court;
- b) A perusal of the documents reveal that the settlement has not been secured through coercion, threats, social boycotts, bribes, or other dubious

means;

- c) The victim has willingly consented to the nullification of criminal proceedings;
- d) There is no objection from the private respondents in case present FIR and consequent proceedings are quashed;
- e) In the given facts, the occurrence does not affect public peace or tranquillity, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy;
- f) The rejection of compromise may also lead to ill will. The pendency of trial affects career and happiness;
- g) There is nothing on the record to prima facie consider the accused as an unscrupulous, habitual, or professional offender;
- h) The purpose of criminal jurisprudence is reformatory in nature and to work to bring peace to family and society;
- i) The ends of justice would justify the exercise of the inherent power by quashing the FIR and the consequent proceedings.

7. In the present case, the offences are compoundable under Section 320 CrPC. Given the legislative mandate, the prosecution can be closed by quashing the FIR and consequent proceedings.

8. 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.

9. 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."

10. In the facts and circumstances peculiar to this case, the petition is allowed in the aforementioned terms. The FIR and other proceedings captioned above, with all consequential proceedings arising therefrom, are hereby quashed qua the present petitioners. The bail bonds of the petitioners are accordingly discharged. All pending application(s), if any, stand closed.

(ANOOP CHITKARA)
JUDGE

05.01.2022
sonia arora

Whether speaking/reasoned: Yes
Whether reportable: No