

CRM-M-48800-2021
Reserved on: 14.12.2021
Pronounced on: 04.02.2022

Raj Kumar alias Raju.....Petitioner

Vs.

State of Haryana and another.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

Mr. Rakesh Gupta, Advocate for respondent No.2.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
139	25.04.2019	Bhuna, District Fatehabad	392 & 397 IPC and Section 25/54/59 of Arms Act

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. The gist of the allegations against the petitioner(s) is that the complainant (respondent No.2) made a statement before the police and on that statement, police recorded the above captioned FIR.
3. As per the reply of the state, the petitioner has following criminal history:

Cases ended in conviction (15 cases)

1.FIR No.332 dated 11.09.2010 registered under Sections 379 of IPC at Police Station City Kaithal.

2.FIR No.185 dated 17.07.2010 registered under Sections 379 of IPC at Police Station City Narwana

3.FIR No. 63 dated 29.03.2018 registered under Sections 174A of IPC at Police Station Uklana

4.FIR No. 301 dated 24.06.2009 registered under Sections 454,380 of IPC at Police Station City Fatehabad

5.FIR No. 282 dated 09.08.2019 registered under Sections 25-5459 of Arms Act at Police Station Bhuna

- 6 FIR No. 122 dated 27.04.2009 registered under Sections 379 of IPC at Police Station Uchana
- 7 FIR No. 119 dated 26.05.2010 registered under Sections 457/380 of IPC at Police Station Bhuna
- 8 FIR No. 210 dated 17.06.2010 registered under Sections 379 of IPC at Police Station Ratia
- 9 FIR No. 362 dated 10.07.2010 registered under Sections 379 of IPC at Police Station City Kaithal
- 10 FIR No. 242 dated 12.07.2011 registered under Sections 457/380 of IPC at Police Station Sadar Fatehabad
- 11 FIR No. 213 dated 10.07.2011 registered under Sections 457/380 of IPC at Police Station Aadampur (Hisar)
- 12 FIR No. 106 dated 21.03.2014 registered under Sections 398/401 of IPC & 25-54-59 of Arms. at Police Station Bhuna
- 13 FIR No. 95 dated 23.04.2017 registered under Sections 174A of IPC at Police Station Uklana.
- 14 FIR No. 217 dated 14.07.2009 registered under Sections 397 of IPC at Police Station City Tohana.
- 15 FIR No. 295 dated 13.09.2009 registered under Sections 379 of IPC at Police Station City Tohana

Cases ended in ACQUITTAL (16 CASES);

1. FIR No. 77 dlated 08.03.2009 registered under Sections 379, 411 of IPC at Police Sunion Ukdana.
- 2 FIR No. 365 dated 06.03.2010 registered under Sections 379 of IPC at Police Station City Kaithal
- 3 FIR No. 353 dated 28.06.2010 registered under Sections 379 of IPC at Police Station City Kaithal
- 4 FIR No. 266 dated 10.07.2011 registered under Sections 395 of IPC at Police Station Ratia
- 5 FIR No. 128 dated 22.07.2011 registered under Sections 395 of IPC at Police Station Bhattu Kalan
6. FIR No. 254 dated 11.11.200\ registered under Sections 379 of IPC at Police Station Uklana
- 7 FIR No. 101 dated 17.03.2014 registered under Sections 395. 342, 365 of IPC at Police Station Bhuna
- 8 FIR No. 30 dated 06.02.2009 registered under Sections 379, 411 of IPC at Police Station Uklana
- 9 FIR No. 86 dated 03.03.2013 registered under Sections 25-54-59 of Arms Act at Police Station Bhuna
- 10 FIR No. 470 dated 28.09.2015 registered under Sections 452,323, 506, 34 IPC at Police Station Bhuna
- 11 FIR No. 378 dated 16.07.2010 registered under Sections 379 of IPC at Police Station City Kaithal
- 12 FIR No. 131 dated 11.04.2013 registered under Sections 148/149/323/324/452/307 of IPC & 25-54-59 of Arms Act at Police Station Bhuna
- 13 FIR No. 232 dated 10.05.2010 registered under Sections 379 of IPC at Police Station City Kaithal
- 14 FIR No. 214 dated 10.07.2011 registered under Sections 457/380 of IPC at Police Station Aadampur (Hisar)
- 15 FIR No. 233 dated 17.07.2009 registered under Sections 379 of IPC at Police Station City Tohana.
- 16 FIR No. 45 dated 10.03.2010 registered under Sections 457/380 of IPC at Police Station Bhuna.

CASES UNDER TRIAL (4 CASES):

1. FIR No. 304 dated 24.08.2018 registered under Sections 21(B)/27A/61/85 of NDPS Act at Police Station Bhuna pending under

trial in the court of Ld. ASJ Fatehabad and is fixed for 01.12.2021 for Charge.

2 FIR No. 112 dated 30.03.2017 registered under Sections 21(B)/61/85 of NDPS Act at Police Station Bhuna pending under trial in the court of Ld. ASJ Fatehabad and is fixed for 03.12.2021 for Prosecution Evidence.

3 FIR No. 137 dated 23.04.2019 registered under Sections 392/397 of IPC and 25-54-59 of Arms Act at Police Station Bhuna pending under trial in the court of Ld. ASJ Fatehabad and is fixed for 11.01.2022 for Charge.

4 FIR No. 342 dated 29.11.2017 registered under Sections 25-54-59 of Arms Act at Police Station Sadar Tohana pending under trial in the court of Ld. SDJM Tohana and is fixed for 07.12.2021 for Prosecution Evidence.

4. During the pendency of the petition, the injured gave an affidavit that in the brotherhood panchayat, the matter stands compromised; they are residents of the same village, and to keep peace and harmony and to abolish the grudge, the complainant does not want to continue with the matter. During the previous dates before this Court, Ld. counsel appearing for the complainant stood to the stand.

5. The petitioner's affidavit is not annexed with the petition because he is in jail. The reason for compromise is to live in peace harmony and remove grudges. Since the accused is in jail, the victim does not need to live with him in peace and harmony at this stage. This court does not want the victim to do something which forces him to live with the accused; instead, he should have patience and wait for the accused's release from prison.

6. Given above, the petition is dismissed at this stage and it shall be open for the petitioner to file a fresh petition by filing a fresh compromise deed duly signed by the accused and the victim, after his release from prison. The heinous nature of offence, criminal history and whether matter can be compromised shall be considered at that stage.

Petition dismissed in the terms mentioned above. All pending applications, if any stand disposed of.

(ANOOP CHITKARA)
JUDGE

February 04, 2022
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.