

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

CRM-M-50406-2021
Date of Decision:-24.2.2022

LALIT @ LALIT SARPANCH

... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Mr. Sumit Adhana, Advocate for
Ms. Mamta Sura, Advocate
for respondent No.2.

KARAMJIT SINGH, J. (Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

Present petition is for quashing of FIR No.300 dated 8.10.2021
registered under Sections 294/323 IPC and Section 3(1)(x) of the Scheduled
Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 at
Police Station Furrukh Nagar, District Gurugram on the basis of compromise

dated 18.11.2021 (Annexure P-2) along with other consequential proceedings arising thereto.

The above stated FIR was registered on the statement of the complainant/respondent No.2-Rajender Singh, in which he states that belongs to Scheduled Caste category and on 6.10.2021 when he was selling vegetables in the village, petitioner called him on his phone but he did not respond as he was busy. Even thereafter petitioner called him twice but he failed to respond due to the same reason. In the evening petitioner again telephoned him and when he picked up the said call, petitioner started abusing him. Thereafter petitioner reached the spot where he was selling vegetables in front of the house of Ratti Ram. The petitioner started beating him and also abused respondent No.2 in the name of his caste. The petitioner also pushed Ratti Ram when he tried to intervene and Ratti Ram sustained injury on his foot and thereafter the petitioner left the spot.

On notice of motion, respondent No.2 appeared in the Court through his counsel and pleaded that he has no objection if the FIR in this case is quashed on the basis of the aforesaid compromise which has been effected between the parties.

During the course of preliminary hearing, the trial Court/Illaq Magistrate was directed to record the statements of the all the concerned parties including Ratti Ram with regard to genuineness and validity or otherwise of the aforesaid compromise.

In compliance thereof, report from the Court of Judicial Magistrate, 1st Class, Pataudi along with statements of the parties (including that of Ratti Ram) has been received, in which, it is mentioned that the

compromise is genuine and there was no undue influence or coercion from any side.

I have heard learned counsel for the parties.

Learned counsel for the petitioner and for respondent No.2 are ad idem that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion

In **Ramawatar v. State of Madhya Pradesh** Criminal Appeal No.1393 of 2011 decided on 25.10.2021, Hon'ble Supreme Court quashed the FIR registered under Section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on the basis of the compromise. Hon'ble Apex Court while accepting the said compromise, observed that where it appears to the Court that the offence in question though covered under SC/ST Act, is primarily private or civil in nature or where the alleged offence has not been committed on account of caste of the victim or where continuation of legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings.

In the instant case, parties have resolved their dispute and respondent No.2 and Ram Ratti are not interested in prosecution of the FIR in question against the petitioner. In these circumstances if the prosecution of the petitioner on the basis of FIR in question is kept pending, it will definitely amount to an abuse of the process of law.

For the reasons aforesated and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543** and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, this petition is allowed and FIR No.300 dated 8.10.2021 registered under Sections 294/323 IPC and Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Furrukh Nagar, District Gurugram on the basis of compromise dated 18.11.2021 (Annexure P-2) and all the subsequent proceedings thereof are hereby quashed qua the petitioner.

24.2.2022
Gaurav Sorot

(**KARAMJIT SINGH**)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No