

CRM-M No. 54207 of 2021
Reserved on : 24.02.2022
Pronounced on : 02.03.2022

Renu SharmaPetitioner

Vs.

State of Haryana and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ajay Kumar Dahiya, Advocate for
Mr. Anand Vardhan Khanna, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Mr. Pawandeep Singh, Advocate
for respondent No.2.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
204	29.06.2021	Sector 56, District Gurugram	341 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 arising therefrom including the challan u/s 173 Cr.P.C. filed before the learned JMIC, Gurugram, 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 based on that statement, police registered the FIR captioned above.
3. During the pendency of the petition, the accused and the victim(s) have compromised the matter, and its copy is annexed with this petition. After that, the petitioner(s) came up before this Court to quash the FIR, and in the quashing petition, complainant has been impleaded as respondent(s).
4. On the prayer of the parties in the present petition, the Court had permitted the parties

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

ANALYSIS & REASONING:

5. In the present case, the offences under section 341 of Indian Penal Code (IPC) is compoundable under Section 320 CrPC. Given the legislative mandate, the prosecution can be closed by quashing the FIR and consequent proceedings.

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 are accordingly discharged. All pending application(s), if any, stand closed.

Petition allowed in the terms mentioned above.

(ANOOP CHITKARA)
JUDGE

02.03.2022
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Whether speaking/reasoned: Yes
Whether reportable: No.