

CRM-M-54079-2021
Reserved on : 14.03.2022
Pronounced on : March 25, 2022

Hodil Singh and another.....Petitioner(s)

Vs.

State of Haryana and another.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ankur Lal, Advocate for the petitioners.

 Mr. Rajat Gautam, DAG, Haryana.

 Mr. Deepam Raghav, Advocate for respondent No.2.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
399	02.08.2021	Model Town, Rewari, District Rewari	406, 420 & 120-B IPC

The petitioner(s), arraigned as accused in the above captioned FIR, have 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. During the pendency of the petition, the accused and the victim(s) have compromised the matter, and its copy is annexed with this petition.

3. After that, the petitioner(s) came up before this Court to quash the FIR, and in the quashing petition, the victim(s) have been impleaded as respondent(s).

4. On 2-3-2022, the victim/ complainant-Mukesh Soni/respondent no. 2 stated before the JMIC Rewari that there would be no objection if the Court quashes this FIR and consequent proceedings. As per the concerned Court's report dated 4-3-2022, the parties consented to the quashing of FIR and consequent proceedings without any threat.

ANALYSIS & REASONING:

5. Despite the opposition of the State’s counsel to this compromise, the following aspects

would be relevant to conclude this petition. In the present case, the offences under sections 406, & 420 of Indian Penal Code (IPC) are compoundable under Section 320 CrPC. Since the offence under section 120-B goes with the main offences, as such in the present case it also becomes compoundable. 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

March 25, 2022
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Whether speaking/reasoned: Yes
Whether reportable: No.