

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

**CRM-M-262-2023
Date of decision: 18.04.2023**

RAKESH SHARMA AND ORS.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. B.S.Tewatia, Advocate for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Ashok Kaushik, ADvocate for respondent Nos.2 and 3.

VIVEK PURI,J. (ORAL)

1. Petitioners have has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.292 dated 27.11.2022 under Sections 323/324/34/506 IPC, registered at Police Station Chhansa, District Faridabad and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 06.01.2023, parties were directed to appear before the Trial Court/Illaq Magistrate and get their statements recorded with regard to the compromise arrived at between them.
3. The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness and voluntary nature of the compromise.
4. In compliance of the order dated 06.01.2023, learned Judicial Magistrate 1st Class, Faridabad has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

***“i) Number of persons arrayed as accused in the FIR:
Report: As per statement of IO, the present FIR was lodged on the complaint of Braham Dutt Sharma against the accused **Rakesh, Geeta, Satender and Lalit**. During***

CRM-M-262-2023

-2-

*investigation, accused Lalit was found innocent. Challan against the accused **Rakesh, Geeta, Satender** was filed on 24.01.2023.*

ii) Whether any accused is declared proclaimed offender:

Report: As per statement of IO that as per their office record, none of the accused persons have ever been declared proclaimed offender.

iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence:

Report: In the considered opinion of the undersigned, the compromise so effected is for the amicable settlement of the dispute and was effected without any external pressure, coercion or force and is a valid compromise.

iv) Whether the accused persons are involved in any other case or not:

Report: In the present case, as per statement of accused persons, they are not involved in any other case.

v) How many victims/complainants are there in the FIR:

Report: As per statement of IO, Braham Dutt Sharma is the sole complainant in this case and Sh. Amar Singh is injured in this case."

5. Learned counsel for the petitioners contend that the FIR has been registered on the allegations that on 20.11.2022, the petitioners had inflicted injuries on the person of respondent No.3. The FIR has been lodged at the instance of respondent No.2, who is elder brother of respondent No.3. The injuries are simple in nature. The dispute has been amicably settled between the parties in terms of the compromise dated 20.12.2022 (Annexure P-2). The petitioners and respondent Nos.2 and 3 are residents of the same village and amicable settlement will help in maintaining cordial relations between them in future.

6. Learned counsel for respondent Nos.2 and 3 state that he has no objection if FIR is quashed.

CRM-M-262-2023

-3-

record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at a settlement, out of the Court, by way of compromise. The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

8. The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the private dispute of the co-villagers has been sought to be amicably settled. Consequently, a deserving case is made out where the court should exercise the power to secure the ends of justice.

9. For the aforesaid view, this Court finds support from ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, upheld by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***.

10. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.292 dated 27.11.2022 under Sections 323/324/34/506 IPC, registered at Police Station Chhansa, District Faridabad and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

11. Resultantly, with the above-said observations made, the instant petition stands allowed.

18.04.2023

renubala

(VIVEK PURI)
JUDGE