

262 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1468-2023

DATE OF DECISION:-13.03.2023

Rahul

...Petitioner.

vs.

State of Haryana and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vishwajeet, Advocate
for the petitioner.

Mr. Amit Aggarwal, DAG, Haryana

Mr. Sandeep Siwan, Advocate for
Mr. Surjit Singh, Advocate,
for respondent No.2.

HARKESH MANUJA, J.

By way of present petition under Section 482 Cr.P.C., the petitioner prays for quashing of FIR No.222 dated 15.03.2018, under Sections 324, 34, 506 IPC, registered at Police Station Karnal Civil Lines, District Karnal (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 09.01.2023 (Annexure P-2).

2. As per the allegations levelled in the FIR, the petitioner stood in front of the complainant and co-accused, namely, Pankaj @ Kala came from behind and inflicted injuries on the complainant with knife. Accused-Pankaj @ Kala has not approached this Court for quashing of FIR in question.

3. In pursuance to an order dated 12.01.2023 passed by this Court, whereby the parties were directed to appear before the trial court for getting

their statements recorded as regards the veracity of the compromise arrived at between them, a report dated 21.02.2023 has been received from the concerned court, stating that the compromise between complainant(injured)- Sunil Kumar and accused- Rahul appears to have been entered into voluntarily without any pressure or inducement. It also finds mentioned that there are 02 accused, namely, Rahul and Pankaj @ Kala, however, only Rahul appeared for recording of his statement. No accused has been declared as PO.

4. Thus once, the compromise has been arrived at between the parties without any pressure and respondent No.2 has no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; there does not appear to be any impediment as regards quashing of present FIR qua the petitioner. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

5. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***

Further, learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in *Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589* and this Court in *Joginder Singh & another Vs. State of Punjab and another*, passed in CRM-M-23739- 2010 decided on 27.04.2011, *Rajinder Singh Vs. State of Punjab & another*, passed in CRM-M- 37395-2016 decided on 16.05.2017 and *Vimal Kalra & others Vs. State of Punjab & another*, passed in CRMM-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

6. Thus, in view of the aforesaid report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No.222 dated 15.03.2018, under Sections 324, 34, 506 IPC, registered at Police Station Karnal Civil Lines, District Karnal (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioner only.

7. Accordingly, petition stands allowed subject to payment of costs of Rs.5000/- to be deposited with the Punjab and Haryana High Court Association Lawyer's Family Welfare Fund having Account No.41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

13.03.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No