

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

248

**CRM-M-2063-2021
Date of decision: 17.01.2023**

Sukhchain and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Namit Khurana, Advocate
for the petitioners.

Mr. Surender Singh, AAG, Haryana
for respondent No.1-State.

Mr. Abhinav Kalia, Advocate for
Mr. S.S. Nain, Advocate
for respondent No.2-complainant.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition is for quashing of FIR No.235, dated 04.06.2017, lodged under Sections 148, 149, 323, 325 and 506 of the IPC registered at Police Station City Kaithal and the consequential proceedings arising out of the same, on the basis of compromise/affidavit dated 22.12.2020 (Annexure P-2) arrived at, between the parties.

Learned counsel for the petitioners submits that vide Annexure P-2 dated 22.12.2020 a compromise was arrived at between the parties. Thereafter, vide order dated 15.01.2021 of this Court, the parties were directed to get their respective statements recorded qua the compromise so arrived at between them. However, in view of the criminal antecedents of the accused, this Court vide order dated 15.11.2021 declined to quash the FIR in question on the basis of compromise. Petitioner No.1-Sukhchain thereafter approached the

Hon'ble Supreme Court on the ground that his case was distinguishable from that of the other accused as he was not involved in any other criminal case much less a case of similar nature. The Hon'ble Supreme Court passed the following order on 08.08.2022 and remanded the case back to this Court:-

“.....Therefore, in our view, the matter of the present appellant requires re-consideration by the High Court.

Accordingly, this appeal is allowed to the extent and in the manner that the impugned order dated 15.11.2021 in CRM-M-2063 of 2021 is set aside qua the present appellant and the said petition is restored for reconsideration by the High Court only qua the case of the present appellant-Sukhchain.....”

On a pointed query put to the learned State counsel as to what role has been attributed to petitioner No.1-Sukhchain, he has submitted that he was only shown to be part of the unlawful assembly and no specific role much less any injury had been attributed to him in the FIR in question. Learned State counsel has also apprised this Court that petitioner No.1 is not involved in any other criminal case.

Learned counsel appearing for respondent No.2-complainant has also conceded that as far as petitioner No.1-Sukhchain is concerned, he was only part of the unlawful assembly. He has also conceded that no injury much less attracting the mischief of Section 325 of the IPC was attributed to petitioner No.1-Sukhchain.

I have heard learned counsel for the parties and perused the relevant material on record.

As apprised by learned State counsel as well as the report which has been received from the Trial Court, petitioner No.1-Sukhchain is not a man of criminal antecedents as he is not involved in

any other criminal case. Still further, no injury has been attributed to him and the only role attributed to him in the FIR in question is of being part of the unlawful assembly when the occurrence in question took place.

Keeping in view the statements recorded of the parties qua the compromise effected between them and the report received from the Trial Court concerned, this Court deems it fit to quash the FIR in question on the basis of compromise qua petitioner No.1-Sukhchain only.

Accordingly, the aforesaid FIR and all consequential proceedings arising out of it, are quashed qua petitioner No.1-Sukhchain only.

Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

Disposed of.

17.01.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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