

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

(252)

CRM-M-2251-2023

Date of Decision: 27.02.2023

Chetanya Kataria and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gaurav Tyagi, Advocate, for the petitioners.

Mr. Surender Singh, AAG, Haryana.

Mr. Rahul Kataria, Advocate, for respondents No.2 and 3.

HARKESH MANUJA, J.(ORAL)

By way of present petition filed under Section 482 Cr.P.C., petitioners pray for quashing of FIR No.209 dated 23.06.2022, registered under Sections 323, 342, 365, 34 IPC at Police Station Sector 14, District Gurugram, Haryana (Annexure P-1) along with all consequential proceedings arising out of the same on the basis of compromise/Affidavit (Annexure P-2).

2. In the present case, petitioners have given beatings with sticks to the complainant party. Though the present petition has been filed at the instance of eight petitioners, as per information provided by the learned counsel for the petitioners, petitioners No.1 to 6 have been found to be innocent by the investigating agency and thus, the case survives as regards petitioners No.7 and 8 only. Besides it, the parties are residing in neighbourhood and the incident in question happened at the spur of the moment and the differences have now been sorted out with the intervention of the respectables.

3. In pursuance to an order dated 16.01.2023 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 compromise arrived at between them, report dated 20.02.2023 has been received from the concerned court, stating that the compromise in the present case is valid, genuine, voluntary and without any coercion or under influence. There is no other accused except the present petitioners and there are two respondents/complainant namely, Dushyant Raghav and Yogesh Singh. No accused has been declared as proclaimed offender. The stage of trial was fixed for evidence of prosecution.

4. Learned counsel for the petitioners submits that once, the compromise has been arrived at between the parties without any pressure and respondent No.2 & 3 have no objection as regards quashing of FIR as well as other subsequent proceedings arising out of the same against the petitioners, the dispute being purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR. He further submits that 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. On the other hand learned State counsel submits that petitioners have given beatings with sticks to the complainant party.

6. Having heard learned counsel for the parties, I am of the view that they having settled their dispute so as to live peacefully 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 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.*

7. 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 judgment, FIR No.209 dated 23.06.2022, registered under Sections 323, 342, 365, 34 IPC at Police Station Sector 14, District Gurugram, Haryana (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua petitioners No.7 and 8 as it does not survives as regards the others.

8. The aforesaid order shall however, be subject to payment costs of Rs.2,000/- to be deposited with the Punjab and Haryana High Court Bar Clerks Association, within a period of two weeks from today.

Petition stands disposed of

(HARKESH MANUJA)
JUDGE

27.02.2023
anil

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