

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.5141 of 2023 (O&M)

Reserved on: 23.08.2023

Date of Pronouncement: 31.08.2023

Ramji Lal & others

... Petitioner(s)

Versus

State of Haryana & others

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Prem Singh Bhangu, Advocate
for the petitioner(s).

Mr. Manish Bansal, Sr. DAG, Haryana.

Mr. J.S. Yadav, Advocate for
Mr. M.S. Yadav, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
73	26.7.2001	Jatusana, Tehsil & District Rewari	323, 324, 325, 307, 34 IPC

Seeking quashing of FIR captioned above along with consequent proceedings arising therefrom i.e. judgment of conviction and order of sentence dated 18.1.2007 and 20.01.2007 respectively passed by the Additional Sessions Judge, Rewari, the petitioners-convicts have come up before this Court based on their out of Court compromise dated 13.12.2022 entered between both the parties.

2. In paragraph 3 of said compromise, the parties mention that they belong to same village and are members of same family and now, with the intervention of the relatives and respectable persons, they have settled all their disputes. In case the FIR in question and its consequent proceedings are not closed, then their enmity will increase and as such, the parties have entered into a compromise for their better relations. It is further mentioned that because of this compromise, love and affection between the parties will increase.

3. Vide order dated 19.07.2023, this Court had directed the parties to appear before the concerned trial Court/Illaq Magistrate/Duty Magistrate and get their statements recorded as regards the compromise in question.
4. On 28.07.2023, the Additional Sessions Judge, Rewari recorded the statement of the parties and found the compromise to be genuine. As per the statements of complainant/victim(s) as well as the convicts, they have accepted the contents of the written compromise (Ex.C1) and have no objection to the FIR as well as consequent proceedings being quashed/set aside.
5. State by way of affidavit of Dy.SP had filed its response and opposed the compromise primarily on the ground that non-cognizable offence cannot be compromised. Counsel appearing for the State has submitted that conviction of the petitioners-convicts is for serious offence under Section 307 IPC and as such, it shall send extremely wrong signals if the compromise effected between the parties is accepted for such a heinous offence. Moreover, appeal for enhancement of sentence filed by the State i.e. CRA-S-1626-SB-2007 is pending before this Court, as the trial Court awarded sentence on lower side.
6. A perusal of the allegations leveled against the petitioners-convicts reveal that one of the convict had inflicted an axe blow on the head of the victim. There was a cross-version which was not accepted by the trial Court. Without detailing the facts and the cross-allegations, it would be appropriate that the parties are permitted to make reference to this compromise at the time of final hearing. This is for the reason that if this Court, at the time of final hearing of appeals, finds that the evidence adduced by the prosecution and proved on record, do not make out a case for commission of offence under Section 307 IPC but for a lesser offence, then gravity of offence comes down, which would also increase the possibility and chances of acceptance of compromise on that score alone.
7. Given above, present petition i.e. CRM-M-5141-2023 is disposed of with the following observations:-
- (i) The compromise is taken on record along with report of the trial Court.
 - (ii) The effect of the compromise shall be considered at the time of final hearing of the appeals. The present petition shall be deemed to have been treated as part of appeals i.e. CRA-S-243-SB-2007 and CRA-S-1626-SB-2007.

(ANOOP CHITKARA)
JUDGE

August 31, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No