

CRM-M-9701-2023

1

265

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

CRM-M-9701-2023

Date of Decision: 31.05.2023

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....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Sudhir Kumar Hooda, Advocate
for the petitioner.

Mr. Rajeev Goel, DAG, Haryana.

Mr. Rahul Dhanda, Advocate
for respondent No.2.

HARSH BUNGER, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0315 dated 24.04.2022 (Annexure P-1), under Section 506 of the Indian Penal Code, 1860, registered at Police Station Samalkha, District Panipat (Haryana) and all the consequential proceedings arising therefrom on the basis of compromise (Annexure P-2) arrived at between the parties.

2. Vide order dated 17.04.2023 passed by this Court, the Illaqa Magistrate/trial Court was directed to record the statements of the parties with regard to the genuineness and validity of the compromise.

3. In compliance thereof, the Judicial Magistrate Ist Class, Samalkha has submitted a consolidated report vide letter dated 11.05.2023 which indicates that the parties appeared before the Judicial Magistrate Ist Class, Samalkha and got recorded their respective statements with regard to

CRM-M-9701-2023

2

the validity of the compromise. As per the report, the compromise arrived at between the parties is genuine, voluntary, without any coercion, undue influence, misrepresentation, etc. Relevant extract of the said report is reproduced as under:-

- “1. It is submitted that as per statement (copy attached) of Investigating Officer, there is only one accused who is arrayed in the FIR and no any other accused was found involved in the FIR.*
- 2. It is submitted that as per statement (copy attached) of Investigating Officer, challan had already been filed in the Court and case is proceeded for prosecution evidence.*
- 3. It is submitted that as per statement (copy attached) of Investigating Officer, no any accused is declared as proclaimed offender.*
- 4. It is submitted that as per statement (copy attached) of Investigating Officer, accused in present case is not involved in any other FIR.*
- 5. It is submitted that as per statement (copy attached) of Investigating Officer, all concerned signed the compromise.*
- 6. It is submitted that as per compromise statements (copies attached) of parties, they have arrived at compromise with each other and compromise is genuine, voluntarily and without any coercion, undue influence, misrepresentation etc.*
- 7. It is submitted that as per statement (copy attached) of Investigating Officer, there is only one complainant/victim in the present FIR.”*

4. Learned counsel for respondent No.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all the concerned persons and would help in bringing out peace and amity between the parties. It is submitted that the complainant has no objection if the FIR in question is quashed.

CRM-M-9701-2023

3

5. Learned State counsel does not raise any serious dispute regarding quashing of aforesaid FIR in question.

6. I have heard the learned counsel for the parties and have perused the file.

7. In the light of judgments rendered by the Hon'ble Apex Court in the cases of *Shakuntala Sawhney Vs. Kaushalya Sawhney, (1979) 3 SCR 639, Gian Singh Versus State of Punjab and another. 2012(4) RCR (Criminal) 543* and considering the entire facts, compromise, the statements of the parties recorded before the Judicial Magistrate Ist Class, Samalkha, and also the report dated 11.05.2023 submitted by the Judicial Magistrate Ist Class, Samalkha, since the parties have arrived at a compromise by amicably settling their disputes and have decided to live in peace, no useful purpose will be served in allowing the criminal proceedings to continue.

8. Further, in the light of the above mentioned judicial precedents, when the parties have entered into a compromise, then continuation of the proceedings would be merely an abuse of process of the Court.

9. In order to prevent unnecessary continuation of criminal proceedings on the ground that there are bleak chances of conviction in the case, I am of the considered view that it would be in fitness of things to quash the FIR on the basis of compromise and by quashing the FIR while accepting the prayer of the petitioner, would be securing the ends of justice.

10. Accordingly, this petition is allowed. FIR No.0315 dated 24.04.2022 (Annexure P-1), under Section 506 of the Indian Penal Code, 1860, registered at Police Station Samalkha, District Panipat (Haryana) and all the consequential proceedings arising therefrom, are quashed qua the petitioner. However, the same would be subject to payment of costs of

CRM-M-9701-2023

4

Rs.10,000/- to be deposited by the petitioner with the “**Poor Patients Welfare Fund, PGIMER, Chandigarh**” and the said amount would be spent for the treatment of poor patients within the knowledge of its Medical Superintendent.

11. Needless to say that parties shall remain bound by the terms of compromise and their statements made in the Court below.
12. All pending application(s), if any, shall stand disposed of.

31.05.2023
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(HARSH BUNGER)
JUDGE

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