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2023:PHHC:038862

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9109-2020

Date of decision :15.03.2023

SURAJ PANJETHA

... Petitioner(s)

Versus

STATE OF HARYANA AND ORS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Raghav Sharma, Advocate
for the petitioner(s).

Mr. Neeraj Poswal, Asst. A.G., Haryana.

Mr. S.P.S. Sandhu, Advocate
for respondent Nos.2 to 6.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of an FIR No.106 dated 12.06.2010 (Annexure P-1) registered under Sections 148, 323, 324, 325, 326, 506, 149 IPC (on oral request of the learned counsel for the petitioner Sections 3/4 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 added in the head note of the petition) at Police Station Ladwa, Kurukshetra and all consequential proceedings as well as subsequent order dated 11.11.2013 (Annexure P-4) passed by the Additional Sessions Judge, Kurukshetra, on the basis of compromise dated 12.02.2020 (Annexure P-2) arrived at between the parties.

Vide order dated 27.02.2023 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 27.02.2023 with regard to the compromise dated 12.02.2020 (P-2).

The Illaqa Magistrate/trial Court was to submit a report in this regard giving certain details as enumerated in the said order.

Pursuant to the order dated 27.02.2023 passed by this Court, the parties have appeared before the Additional District and Sessions Judge, Kurukshetra and as per the report dated 04.03.2023 submitted to this Court, both the parties have got recorded their respective statements in Court.

A perusal of the aforesaid report would show that the parties have effected a genuine compromise without there being any pressure, coercion or undue influence.

The Hon'ble Supreme Court in "***Ramgopal and another versus State of Madhya Pradesh, 2021(4) RCR (Criminal) 322***", has held that in non-compoundable cases of pre-dominantly private nature, even if compromise is reached after conviction, the proceedings can be quashed under Section 482 Cr.P.C. Further, the compromise in the present case is found to be fully in consonance of judgments with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543***".

In view of the aforesaid report of the Additional District and Sessions Judge, Kurukshetra accompanied by statements of both the parties, the FIR No.106 dated 12.06.2010 (Annexure P-1) registered under Sections 148, 323, 324, 325, 326, 506, 149 IPC at Police Station Ladwa, Kurukshetra along with all consequential proceedings arising therefrom including the subsequent order dated 11.11.2013 (Annexure P-4) are hereby quashed qua the petitioner.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

15.03.2023
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No