

SURINDER SINGH @ CHHINDA

....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Garvit Mittal, Advocate for
Mr. Ravinder Malik (Ravi), Advocate
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

Mr. Aman Nain, Advocate for
Mr. Sarthak Singla, Advocate
for respondent No.2.

HARSH BUNGER, J. (Oral)

This petition has been filed for quashing of FIR No.280 dated 28.05.2020, under Sections 406, 420 IPC of Indian Penal Code (Sections 370, 195-A, 506 IPC and Sections 10, 24 and 25 of Emigration Act and Section 12 of Passport Act were added later) registered at Police Station Pehowa, District Kurukshetra (Annexure P-1) and all the consequent proceedings arising therefrom, on the basis of compromise dated 12.03.2021 (Annexure P-2) arrived at between the parties.

Vide order dated 22.03.2021, the Illaqa Magistrate/Duty Magistrate was directed to record the statements of the parties with regard to the genuineness and validity of the compromise.

In compliance thereof, the Sub Divisional Judicial Magistrate, Pehowa has submitted its report, vide letter dated 09.04.2021 which indicates that the parties appeared before the Magistrate and got recorded their respective statements with regard to the validity of the compromise. As per the report, the compromise arrived at between the parties is genuine and without any pressure or coercion from any

corner. Relevant extract of the said report is reproduced as under:-

“In compliance of said order, the statements of accused Surender Singh @ Chhinda and complainant Daljit Singh were recorded on 06.04.2021. In these circumstances, requisite report is here as under:

- (i) The statements of all the concerned parties have been recorded and they have categorically stated that their compromise (Ex.C1) is genuine, voluntarily and without any coercion or undue influence.*
- (ii) As per report of concerned SHO, Police Station Sadar Pehowa, there is no other accused in present case.*
- (iii) As per report of concerned SHO, Police Station Sadar Pehowa, no person has been declared proclaimed offender in present case.*
- (iv) As per report of Criminal Ahlmad, the final report was filed against the accused on 07.12.2020 and he is facing trial in Court of Sh. Amit Kumar Garg, Learned Additional Sessions Judge, Kurukshetra which is fixed for 01.07.2021.*
- (v) As per report of concerned SHO, Police Station Sadar Pehowa, there is no cross case in present case”.*

A perusal of the said report would show that statements of all the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise was entered into voluntarily and without any pressure.

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

Learned counsel for respondent No.2 has reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the parties.

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

In the light of the judgments rendered by the Hon'ble Apex Court in the cases of ***Shakuntala Sawhney Vs. Kaushalya Sawhney, (1979) 3 SCR 639*** and ***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 Sub Divisional Judicial Magistrate, Pehowa and also the

report dated 09.04.2021 submitted by Sub-Divisional Judicial Magistrate, Pehowa 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.

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 mere an abuse of process of the Court.

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 proceedings on the basis of compromise and by quashing the FIR while accepting the prayer of the petitioner, would be securing the ends of justice.

Accordingly, this petition is allowed. FIR No.280 and all consequent proceedings arising therefrom, are quashed qua the petitioner. However, the same would be subject to payment of costs of 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.

Needless to say that parties shall remain bound by the terms of compromise and their statements made in the Court below.

Disposed of in the aforesaid terms.

All pending application(s), if any, shall stand disposed of.

27.03.2023/shruti

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No