

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

223

CRM-M-15034 of 2023
Date of decision: 6th October, 2023

Sidharth Sharma and another

Petitioners

Versus

State of Haryana and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. S.K. Bishnoi, Advocate for
Mr. Pardeep Panwar, Advocate for the petitioners.
Mr. Rajiv Sidhu, DAG, Haryana.
Mr. Nikhil Vats, Advocate for
Mr. SS Nain, Advocate for respondent No.2.

AVNEESH JHINGAN, J (Oral):

1. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 12 dated 21.1.2023, under Sections 323, 34, 506 of Indian Penal Code and Sections 3(1)(r), 3(1)(s) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Act') registered at Police Station Ismailabad, District Kurukshetra and all subsequent proceedings arising therefrom on the basis of compromise.
2. As per the FIR, the petitioners gave beatings to the complainant and hurled caste based remarks.
3. The parties with the intervention of respectables have compromised the matter.
4. On 19.4.2023, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.
5. The report dated 18.5.2023 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence

and there are two accused (petitioners herein) and none of them has been declared as proclaimed offender.

6. Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, has held:-

“There is no statutory bar in Cr.P.C. which affects inherent power of this Court under Section 482. The power of quashing is not limited to matrimonial cases alone.”

7. The Supreme Court in ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others v. State of Gujarat and another, 2017 AIR (SC) 4843*** laid down the broad principles governing the exercise of powers for quashing of FIR. It was held that the power under Section 482 Cr.P.C. is to be exercised by the High Court to secure the ends of justice, to prevent abuse of any process of law and in cases where in view of the compromise the possibility of conviction is remote and continuation of proceeding will cause oppression and prejudice.

9. The Supreme Court in ***Ramawatar v. State of Madhya Pradesh, 2021 SCC Online SC 966*** in similar circumstances quashed the criminal proceedings on the basis of a voluntary compromise involving sections of the Act.

8. The parties are young boys and some of them are students. With the intervention of friends and relatives, they have decided to forget the incident; forgive each other and proceed ahead in life. No useful purpose would be served by continuing with the trial. Due to compromise, there are bleak chances of conviction. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

9. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

6th October, 2023
anuradha

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No