

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

CRM-17143-2023 in/and CRM-M-16951-2023

Date of Decision: May 22, 2023

RAHUL@LUCKY

..... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Pradeep Duhan, Advocate for the petitioner.
Mr. Ramesh Kumar Ambavta, A.A.G., Haryana.

HARKESH MANUJA, J. (ORAL)

CRM-17143-2023

This is an application seeking preponement of hearing of the main case fixed for 19.07.2023.

For the reasons mentioned in the application which is supported by an affidavit, the same is allowed and the main case is taken up for hearing today itself.

CRM-M-16951-2023

1. By way of present petition filed under Section 482 CrPC, prayer has been made for quashing of FIR qua the petitioner in FIR No.134 dated 05.04.2019 registered under Sections 379-B, 341, 34 of IPC at P.S. Rohtak Sadar, Rohtak along with subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2 and P-3).

2. Although, notice was issued to respondent No.2 vide order dated 12.04.2023, however, no process fee has been filed for effecting service upon respondent No.2. A perusal of record shows that respondent No.2 appeared before the Court of Addl. Chief Judicial Magistrate, Rohtak on 24.01.2020 besides having appeared before the

Court of Ld. Sessions Judge, Rohtak on 06.01.2020 and got recorded his statement regarding the compromise arrived at between the parties. More than that, based on a settlement, this very FIR was even quashed vide order dated 25.02.2020 passed in CRM-M-51771-2019 qua Sahil and Sumit i.e. the co-accused of the petitioner. In addition, this FIR qua co-accused Vicky already stands quashed vide CRM-M-50372-2021, that too on the basis of compromise.

3. In view of the aforesaid, I do not deem it appropriate to effect service upon respondent No.2 for the purpose of disposal of present petition as he has already appeared before the Court below and made his statement qua the settlement and based thereupon even the FIR in question stands quashed qua the three other co-accused, especially in view of the fact that the complainant-respondent No.2 is not even appearing before the trial Court despite having been summoned throughailable warrants. Copies of two others dated 22.02.2023 and 20.04.2023 passed by trial Court are reproduced hereunder for reference:-

Order dated 22.02.2023:-

“For today, four PWs were summoned. Out of them, one PW namely Satbir Singh is present and his deposition has been recorded. PW Naveen Kumar, Computer Operator has sent request for adjournment of the case. Perused. Request allowed. He be again summoned for 20.04.2023.

PWs Sunil Kumar and Ramesh Kumar have not appeared despite service. Hence, they be summoned throughailable warrants in the sum of Rs.5,000/- with one surety in the like amount, each for the date fixed. PWs mentioned at serial No.10, 12 and 15 in the list of witnesses be also summoned for the date fixed.”

Order dated 20.04.2023:-

“File put up before me being senior most Addl. Sessions Judge, since Shri Rakesh Kumar Yadav, learned District & Sessions Judge, Rohtak has been retired on 28.02.2023.

For today, six PWs were summoned. No PW is present. PWs Insp./SHO Sohan Pal and Naveen Kumar, Computer Operator have sent request for adjournment of the case. Perused. Request allowed. Hence, both these witnesses be again summoned for 14.07.2023.

PWs SI Baje Singh and Dinesh have not appeared despite service. Hence, they be summoned through bailable warrants in the sum of Rs.5,000/- with one surety in the like amount, each for the date fixed.

PWs Sunil Kumar and Ramesh Kumar have not appeared despite execution of bailable warrants. Fresh bailable warrants of both these witnesses be also issued for the date fixed. “

4. Thus once, the compromise has been arrived at between the parties without any pressure and respondent No.2 has no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; there does not appear to be any impediment as regards quashing of present FIR qua the petitioner. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

5. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the trial Court to invest further time

and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the direction issued by the Court in **Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab**. Further, learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589** and this Court in **Joginder Singh & another Vs. State of Punjab and another, passed in CRM-M-23739- 2010** decided on 27.04.2011, **Rajinder Singh Vs. State of Punjab & another, passed in CRM-M- 37395-2016** decided on 16.05.2017 and **Vimal Kalra & others Vs. State of Punjab & another, passed in CRM-M-20355-2022**, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

6. Thus, in view of the aforesaid as well as keeping in mind the law laid down in the aforementioned judgments, FIR No.134 dated 05.04.2019 registered under Sections 379-B, 341, 34 of IPC at P.S. Rohtak Sadar, Rohtak (as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioner only.

7. Accordingly, petition stands allowed subject to payment of costs of Rs.5,000/- to be deposited with the Punjab and Haryana High Court Association Lawyer's Family Welfare Fund having Account No.41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

22.05.2023
tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No

