

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

Sr. No.223

CRM-M-17777-2023 (O&M)

Date of Decision: 19.05.2023

DAVINDER KUMAR WADHWA @ DAVINDER WADHWA

.... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Parveen Kumar, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Punjab.

Ms. Aarti, Advocate for respondent No.2.

HARKESH MANUJA, J. (ORAL)

By way of present petition under Section 482 Cr.P.C. the petitioner pray for quashing FIR No.214, dated 22.03.2022 (Annexure P-1), under Sections 323, 325 and 506 IPC registered at Police Station Ladwa, District Kurukshetra along with all consequential proceedings arising out of the same on the basis of the compromise/affidavit dated 03.03.2023 (Annexure P-2).

2. As per the allegations, the petitioner threatened and assaulted the complainant with iron rod due to which he received injury.

3. In pursuance to an order dated 13.04.2023 passed by this Court whereby, the parties were directed to appear before trial Court for getting their statements recorded as regards the veracity of the compromise arrived at between them, report dated 18.05.2023 has been received from the concerned Court, stating that the compromise in the present case is valid, genuine, voluntary and without any coercion or undue influence. It has also been pointed out that accused has approached the Court and have never been declared as proclaimed offender in the

4. Learned counsel for the petitioner submits that once, a compromise has been arrived at between the parties without any pressure and respondent No.2 has no objection as regard quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; the dispute purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR, in part, qua the petitioner. He also submits that even, 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 in question, qua the petitioner, on the basis of compromise entered into between the parties.

5. On the other hand, placing strong reliance upon the allegations leveled in the FIR, the prayer made in the present petition has been opposed at the instance of learned State counsel who submits that the petitioner has assaulted the complainant and inflicted injuries upon him. Learned State counsel submits that allegations in the present FIR are of serious nature and he thus opposes the prayer made in the petition.

6. I have heard learned counsel for the parties and gone through the paper-book as well as law cited at the bar. 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 & Anr., 2012(4) RCR (CrL.) 543”.

7. Thus, in view of the aforesaid report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the petition is allowed and FIR No.214, dated 22.03.2022 (Annexure P-1), under Sections 323, 325 and 506 IPC registered at Police Station Ladwa, District Kurukshetra along with all consequential proceedings arising therefrom, qua the petitioner herein are hereby quashed.

8. Accordingly, petition stands disposed of but subject to deposit of a sum of Rs.2,000/- by the petitioner within a period of two weeks from today with the Punjab and Haryana High Court Clerk's Association.

(HARKESH MANUJA)
JUDGE

19.05.2023

M.Sikka

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