

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-19728-2022(O&M)
Date of Decision: 06.12.2023

Manjeet

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rajesh Kumar Kadian, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Mr. Som Nath, Advocate for
Mr. K.L. Saini, Advocate
for respondents No.2 to 4.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure with a prayer for quashing of the FIR bearing No.339, dated 24.12.2021, under Sections 186, 294, 353, 506, 509 IPC (Section 509 IPC added later on), registered at Police Station Sadar Bahadurgarh, District Jhajjar, Haryana along with the consequent proceedings arising therefrom, on the basis of compromise (Annexure P-2) arrived at between the parties.

2. Learned counsel for the petitioner submitted that the allegations in the present case against the petitioner are that he along with his counsel had gone to Suvidha Centre of District Court, Bahadurgarh for the purpose of getting a copy of an order and the allegations are with regard to using foul language to the employees at that point of time. He further submitted that in

fact there was a misunderstanding between the parties and thereafter with the intervention of the respectables, the matter has been compromised between the employees, who are the complainant and aggrieved persons and the present petitioner, who is the only accused in the present case. He also submitted that all the aggrieved persons have been impleaded as respondents in the present case, who are the employees of the Suvidha Centre. He further submitted that the subject matter of the present case does not fall in the category of serious and heinous offence since the allegations were only pertaining to using foul language and the statements have already been recorded by the learned JMIC, Bahadurgarh and therefore, the FIR may be quashed based upon compromise.

3. On the other hand, Mr. Naveen Kumar Sheoran, DAG, Haryana has submitted that the allegations are only pertaining to using foul language by the petitioner and there is no other case against the present petitioner.

4. Mr. Som Nath, Advocate for Mr. K.L. Saini, Advocate has caused appearance on behalf of the private respondents and categorically stated that the matter has been amicably settled between the parties without any coercion or undue influence and the statements of the parties have already been recorded and the respondents/complainants have no objection in case the aforesaid FIR with all the subsequent proceedings is quashed.

5. I have heard the learned counsels for the parties.

6. A Co-ordinate Bench of this Court vide order dated 17.05.2023 had directed the trial Court for getting their statements recorded regarding the compromise arrived at between them. Report dated 15.06.2023 has been received from the learned Judicial Magistrate Ist Class, Bahadurgarh in which it has been so stated that the petitioner and all the three private respondents

have got their statements recorded and the settlement have been arrived at between the parties amicably and without any pressure or coercion. It is also reported that the petitioner is not a proclaimed offender and the petitioner was also duly identified by his counsel and the Investigating Officer concerned.

7. The law with regard to the quashing of the FIR on the basis of compromise, is well settled by the Hon'ble Supreme Court in “State of Madhya Pradesh Vs. Laxmi Narayan and others”, 2019(2) SCC (Crl.) 706 and also in “Gian Singh Vs. State of Punjab and another”, 2013(1) SCC (Crl.) 160 and Full Bench judgment of this Court in “Kulwinder Singh and others Vs. State of Punjab 2007 (3) R.C.R. (Criminal) 1052,” that in case when there is a financial dispute between the parties which is amicably settled then the powers under Section 482 of the Code of Criminal Procedure can be exercised for quashing of the FIR. However, such a power should not be exercised when the offences are very serious or heinous offence.

8. After hearing the learned counsel for the parties, this Court is of the view that considering the nature of the allegations in the present case and the fact that the present case does not falls in the category of serious or heinous offence. As per the report submitted by learned JMIC, Bahadurgarh, the matter has been amicably settled between the parties without any pressure or coercion.

9. This Court is of the view that in order to secure the ends of justice and to prevent the abuse of process of law and in the light of the aforesaid judgements, the present FIR deserves to be quashed based upon compromise.

10. Consequently, the present petition is allowed and the FIR bearing No.339, dated 24.12.2021, under Sections 186, 294, 353, 506, 509 IPC (Section 509 IPC added later on), registered at Police Station Sadar

Bahadurgarh, District Jhajjar, Haryana with all consequential proceedings arising therefrom, are hereby quashed on the basis of compromise qua the present petitioner.

06.12.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:

Yes/No
2. Whether reportable:

Yes/No