

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18251-2023

Date of decision:-24.08.2023

Dushyant @ Neeraj and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Sushil Sheoran Advocate
for the petitioners.

Mr.R.S. Chauhan, AAG, Haryana.

Mr.Mohit Advocate
for respondents No.2 to 4.

SUVIR SEHGAL, J.(ORAL)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.368 dated 02.11.2020, under Sections 148, 149, 323, 452, 506 IPC, registered at Police Station Beri, District Jhajjar, Annexure P1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 15.03.2023, Annexure P2, arrived at between the parties.

2. Counsel for the petitioners submits that the FIR is an outcome of petty dispute, which has been amicably settled between the parties.

3. Counsel for the respondents No.2 to 4 has admitted the factum of compromise.

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4. Heard counsel for the parties.

5. Pursuant to order dated 17.04.2023 passed by this Court, report has been received from the Trial Court, relevant extract of which is as under:-

“Query No.1 *Number of persons arrayed as accused in FIR?*

Submission:- *As per the statement of the I.O., the FIR in hand was registered against four accused in total – 1.Neeraj @ Dushant, 2. Deepak Dalal, 3.Mohit, and 4. Rohit.*

Query No.2. *Whether, the accused is proclaimed offender?*

Submission:- *Per the statement of the I.O. and perusal of the case dossier, none of the aforesaid accused has been declared as a proclaimed offender.*

Query No.3. *Whether, the compromise is genuine, voluntary and without any coercion or undue influence?*

Submission:- *Apropos of this query, with profound deference, the undersigned may take the liberty of submitting that – on being individually enquired about the voluntary nature of the compromise, all the parties to the petition have candidly stated that the matter has been amicably settled between all of them without any contaminating influence exercised by any one, and it was only after getting satisfied about its voluntary nature, their statements were recorded, the copies of the same are attached herewith for the kind perusal.*

Query No.4. *Whether the accused persons are involved in any other case or not?*

Submission:- *As per the statement of the I.O., apart from the present one, no other criminal case so far been registered against any of*

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*the accused.***Query No.5.** *Current stage of the case?***Submission:-** *Apropos of it, on browsing through the case file, it got transpired that the case is posted for recording the prosecution evidence, and till date, no prosecution evidence has been recorded.”*

6. In view of this development, report of the Trial Court and judgment of the Supreme Court in ***Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543*** and a Full Bench of this Court in ***Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, this Court is of the view that keeping the criminal proceedings alive would not serve any purpose and setting them aside would enable the parties to lead a harmonious and peaceful life.

7. Accordingly, the petition is allowed. FIR No.368 dated 02.11.2020, under Sections 148, 149, 323, 452, 506 IPC, registered at Police Station Beri, District Jhajjar, Annexure P1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

24.08.2023
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No