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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25880-2023

Date of decision:-13.12.2023

Som Prakash

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Munish Dev Sharma, Advocate
for the petitioner.

Ms.Nidhi Garg, AAG, Haryana.

Mr.Polast Dev Sharma, Advocate
for respondents No.2 and 3.

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.0330 dated 22.04.2021, under Sections 34, 447, 511 IPC, registered at Police Station Karnal City, Annexure P1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 05.05.2023, Annexure P2, arrived at between the parties.

2. Counsel for the petitioner submits that the FIR, Annexure P1 is an outcome of misunderstanding between the parties as the petitioner is alleged to have broken open the locks of a locked shop. He submits that there was a dispute between the parties over the shop,

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which has been amicably settled by compromise, Annexure P2.

3. Upon instructions, State counsel submits that the petitioner has clean antecedents.
4. Counsel representing respondents No.2 and 3 has supported the prayer made in the petition.
5. Heard counsel for the parties.
6. Pursuant to order passed by this Court, report has been received from the Judicial Magistrate, relevant extract of which is as under:-

“(a) As per statement of IO, there is only one accused in the FIR namely Som Prakash son of Arjun Singh and he is facing trial in this case;

(b) As per statement of IO, challan in the present case was presented against only one accused;

(c) As per statement of IO, accused has not been declared as Proclaimed Offender in this case at any stage of trial;

(d) As per statement of IO, present case is at the stage of prosecution evidence;

(e) Undersigned recorded statement of the parties with regard to the compromise and on the basis of the statements of the parties and statement of IO, as referred above, undersigned is of the view that the compromise is genuine and validly arrived at between the parties out of their free will;

(f) The statement of the Investigating Officer with regard to points (i) (ii) (iii) & (iv) has been recorded. ”

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7. In view of the report given by the learned Magistrate 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.

8. Accordingly, the petition is allowed. FIR No.0330 dated 22.04.2021, under Sections 34, 447, 511 IPC, registered at Police Station Karnal City, Annexure P1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

13.12.2023
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No