

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No.51008 of 2018
Reserved on 16.01.2023
Pronounced on: 06.02.2023

Harinder BhardwajPetitioner

Vs.

State of Haryana and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gaurav Singla, Advocate for the petitioner(s)

Mr. G.S. Dhillon, AAG, Haryana

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
0535	31.10.2017	NIT Faridabad	406, 420, 120-B IPC IPC

The petitioner, arraigned as accused in the above captioned FIR, has come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings based on the compromise with the aggrieved person.

2. During the pendency of the petition, the accused and the aggrieved person have compromised the matter, and its copy is annexed with this petition as Annexure P-2.
3. After that, the petitioner came up before this Court to quash the FIR, and in the quashing petition, impleading the aggrieved person as respondent.
4. This court vide order dated 10.11.2022 had asked the parties to appear before trial Court/Illaq Magistrate/Duty Magistrate for recording their statement and had asked the said court to give its report as per the format. The report reads as follows:

Name of the reporting Court	JMIC Faridabad
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1.	Names of the complainant/ victims(s)/ aggrieved persons(s)	Shankar Brijuka s/o Ram Jeevan Brijuka
2.	Dates on which the statement(s) of the	15.12.2022

	complainant/ victims(s)/ aggrieved persons(s) were recorded	
3.	Has the identity of the complainant/ victims(s)/ aggrieved persons(s) been verified?	Yes
4.	Whether all the victims/ all the aggrieved persons have compromised the matter?	Yes
5.	Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?	No
6.	Names of the accused person(s)	1. Harender Bhardwaj s/o Sharvan Kumar 2. Krishna s/o Jagdish 3. Satish s/o Rajbir 4. Ashok s/o Shyam Lal
7	Dates on which the statement(s) of the accused persons(s) recorded	15.12.2022
8.	Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.	Yes
9.	Whether proclamation proceedings are pending against any accused?	No
10.	Has the police report been filed or not?	Police has filed untraced report
11.	Notice of accusation /Charges have been framed or not?	No
12.	Sections of statutes invoked in the matter	406/420/120-B IPC
13.	Whether the court is satisfied with the genuineness of the compromise?	Yes

ANALYSIS & REASONING:

5. Despite the severe opposition of the State’s counsel to this compromise, the following aspects would be relevant to conclude this petition: -
- a) The accused and the private respondent have amicably settled the matter between them in terms of the compromise deed and the statements recorded before the concerned Court;
 - b) A perusal of the documents reveal that the settlement has not been secured through coercion, threats, social boycotts, bribes, or other dubious means;
 - c) The aggrieved person has willingly consented to the nullification of criminal proceedings;
 - d) There is no objection from the private respondent in case present FIR and consequent proceedings are quashed;
 - e) In the given facts, the occurrence does not affect public peace or tranquillity, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy;
 - f) The rejection of compromise may also lead to ill will. The pendency of trial

affects career and happiness;

g) There is nothing on the record to prima facie consider the accused as an unscrupulous, incorrigible, or professional offender;

h) The purpose of criminal jurisprudence is reformatory in nature and to work to bring peace to family, community, and society;

i) The exercise of the inherent power for quashing FIR and all consequential proceedings is justified to secure the ends of justice.

6. In the present case, all the offences are compoundable under Section 320 CrPC. Given the legislative mandate, the prosecution can be closed by quashing the FIR and consequent proceedings.

7. In Shakuntala Sawhney v Kaushalya Sawhney, (1979) 3 SCR 639, at P 642, Hon’ble Supreme Court observed that the finest hour of Justice arises propitiously when parties, who fell apart, bury the hatchet and weave a sense of fellowship or reunion.

8. In the light of the judicial precedents referred to above, given the terms of compromise, placement of parties, and other factors peculiar to the case, the contents of the compromise deed and its objectives point towards its acceptance.

9. In Himachal Pradesh Cricket Association v State of Himachal Pradesh, 2018 (4) Crimes 324, Hon’ble Supreme Court holds “[47]. As far as Writ Petition (Criminal) No. 135 of 2017 is concerned, the appellants came to this Court challenging the order of cognizance only because of the reason that matter was already pending as the appellants had filed the Special Leave Petitions against the order of the High Court rejecting their petition for quashing of the FIR/Chargesheet. Having regard to these peculiar facts, writ petition has also been entertained. In any case, once we hold that FIR needs to be quashed, order of cognizance would automatically stands vitiated.”

10. Considering the entire facts, compromise, and in the light of the above-mentioned judicial precedents, I believe that continuing these proceedings will not suffice any fruitful purpose whatsoever. In the facts and circumstances peculiar to this case, the Court invokes the inherent jurisdiction under section 482 CrPC and quashes the FIR and all subsequent proceedings qua the petitioner(s). The bail bonds of the petitioner are accordingly discharged. All pending application(s), if any, stand closed.

Petition allowed in the terms mentioned above.

(ANOOP CHITKARA)
JUDGE

06.02.2023

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Whether speaking/reasoned: Yes

Whether reportable: No.