

228 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27977-2023
DATE OF DECISION:-21.12.2023

Sachin

...Petitioner.

vs.

State of Haryana and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Kapil Gupta, Advocate for
Mr. Vivek Goyal, Advocate,
for the petitioner.

Mr. G.S. Dhillon, AAG, Punjab.

Mr. Johny, Advocate,
for respondent No.2.

HARKESH MANUJA, J. (Oral)

1. By way of present petition under Section 482 Cr.P.C., the petitioner prays for quashing of FIR No.16, dated 23.01.2021, under Sections 323, 506 IPC and Section 3(1)(x) of SC and ST (Prevention of Atrocities) Act, 1989, registered at Police Station Babain, District Kurukshetra (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of compromise deed dated 13.04.2023 (Annexure P-2).

2. As per allegations levelled in the FIR, the petitioner quarreled with the complainant and uttered caste related abuses.

3. In pursuance of order dated 31.05.2023 passed by this Court, whereby parties were directed to appear before the Trial Court for getting

their statements recorded as regards the veracity of compromise arrived at between them, a report dated 28.08.2023 has been received from the concerned Court, stating that the compromise took place between both the parties to the present matter is genuine, voluntarily and without any coercion or undue influence and that the case is at the stage of prosecution evidence. No accused has been declared as proclaimed person.

4. Once, the compromise has been arrived at between the parties without any pressure and respondent No.2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; there does not appear to be any impediment as regards quashing of present FIR qua the petitioner. Even otherwise, 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 on the basis of compromise entered into between the parties.

Moreover, even if the allegations levelled in the FIR taken at its face value and in the absence of any specific and categorical averment/instance mentioned in the FIR, the possibility of conviction under SC/ST Act is also bleak.

5. 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.

6. Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, FIR No.16, dated 23.01.2021, under Sections 323, 506 IPC and Section 3(1)(x) of SC and ST (Prevention of Atrocities) Act, 1989, registered at Police Station Babain, District Kurukshetra (Annexure P-1) as well as all subsequent proceedings arising therefrom are hereby quashed qua the petitioner.

7. Accordingly, petition stands allowed subject to payment of costs of Rs.5,000/- to be deposited by the petitioner with the Punjab and Haryana High Court Employees Welfare Association having Account No.37167209613 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from the date of receipt of certified copy of this order.

21.12.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No