

CRM-M No.28757 of 2023 (O&M)

2023:PHHC:154610

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M No.28757 of 2023 (O&M)

Date of Decision: 04.12.2023

MANISH SHARMA AND ANOTHER**.....Petitioners****Vs****STATE OF HARYANA AND ANOTHER****....Respondents****CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA***

Present: Mr. Dushyant Rana, Advocate for
Mr. Saurabh Sharma, Advocate
for the petitioners.

Mr. Gurmeet Singh, Asstt. A.G., Haryana.

Mr. Saleem Ahmed, Advocate
for the complainant.

HARKESH MANUJA, J. (Oral)

1. By way of present petition under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.122 dated 17.02.2022 registered under Section 295 IPC and 3 of SC/ST Act, 1989 (Amendment Act 2015) and Sections 295-A, 120-B IPC and Section 3(1) (u) and 3(1) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 added later on at Police Station Ladwa, District Kurukshetra along with all consequential proceedings arising therefrom on the basis of compromise dated 24.04.2023 (Annexure P-2).

2. Notice of motion was issued on 01.06.2023 and both the parties were directed to appear before the Trial Court/Illaq Magistrate for recording their

statements with regard to the compromise. Since, the statements of the parties could not be recorded within the stipulated period, the parties were again directed to appear before the Trial Court/Illaqa Magistrate on or before 03.10.2023 vide order dated 09.08.2023 passed by this Court.

3. In pursuance of the aforesaid orders dated 01.06.2023 and 09.08.2023 passed by this Court, whereby the 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 27.10.2023 has been received from the concerned court, stating that compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. No accused has been declared as proclaimed offender.

4. Thus 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 petitioners; there does not appear to be any impediment as regards quashing of present FIR qua the petitioners. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the present 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.

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 report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No.122 dated 17.02.2022 registered under Section 295 IPC and 3 of SC/ST Act, 1989 (Amendment Act 2015) and Sections 295-A, 120-B IPC and Section 3(1) (u) and 3(1) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 added later on at Police Station Ladwa, District Kurukshetra as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

7. Accordingly, petition stands allowed subject to payment of cost(s) of Rs.5,000/- to be deposited by the petitioners 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 today.

December 04, 2023	(HARKESH MANUJA)
Atik	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No