

261 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29852-2022
Date of Decision: 18.01.2023

DALBIR ... PETITIONER
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vishwajeet, Advocate for
Mr. Ashish Gupta, Advocate for the petitioner.
Mr. Surinder Kumar Dagar, DAG Haryana.
Mr. Sandeep Siwach, Advocate for respondent No. 2.
* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of
FIR No. 184 dated 10.06.2022 under Sections 323, 452, 506, 34 IPC
registered at Police Station Line Par Bahadurgarh, District Jhajjar and all the
consequential proceedings arising therefrom, on the basis of compromise
(Annexure P-2).

On 29.09.2022 the parties were directed to appear before the
Trial Court and get their statements recorded with regard to the compromise
arrived at between them. The Trial Court was directed to record the
statements of all the concerned and send its report regarding genuineness of
the compromise.

In compliance of the order dated 29.09.2022, learned Judicial
Magistrate First Class, Bahadurgarh has recorded the statements of the
parties and submitted his report, the relevant portion whereof reads as
under:-

“(i) The number of accused arrayed in the FIR
remained two persons in number - one named
person Dalbir & another unknown person who is

subsequently disclosed by the complainant to be Amit but investigating agency found him innocent as per statement of instigating officer of the case.

Out of two accused arrayed in the FIR, only one accused Dalbir appeared before the Court and made statement qua the compromise.

(ii) No accused is absconding or has been declared proclaimed offender/person in the case.

(iii) There remained only one person namely Prashant Goyal who is complainant as well as injured/aggrieved person in the case who has appeared and made statement in support of the compromise.

(iv) The stage of the trial/proceedings of the case remained at the investigation stage. Police final report under Section 173 Cr PC has not yet been submitted before the Court.

(v) The compromise Mark-C1 arrived at between parties that is the complainant/injured/victim Prashant Goyal and the accused Dalbir is genuine, voluntary and out of their free will.

(vi) No other criminal case is registered and pending against any of the accused.”

Learned counsel for the petitioner contends that the dispute has been amicably settled between the parties. Although the allegations are to the effect that the petitioner had committed criminal trespass at the shop of respondent No.2 but the injury attributed are simple in nature by means of slap and fist blows. The dispute has been amicably settled in terms of compromise (Annexure P-2). The petitioner and respondent No.2 are previously known to each other and amicable settlement will help in maintaining cordial relations between them in future.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is quashed.

After hearing learned counsel for the parties and going through

the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at a settlement, out of the Court, by way of compromise (Annexure P-2). The compromise is without any pressure and is a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the private dispute has been sought to be amicably settled. Consequently, a deserving case is made out where the Court should exercise the power to secure the ends of justice.

For the aforesaid view, this Court finds support from ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, upheld by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***.

Accordingly, the present petition is allowed and FIR No. 184 dated 10.06.2022 under Sections 323, 452, 506, 34 IPC registered at Police Station Line Par Bahadurgarh, District Jhajjar and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

18.01.2023

Janki

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No