

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31085-2022

Date of Decision: 05.01.2023

RAJENDER AND OTHERS

... PETITIONERS

VS.

STATE OF HARYANA AND OTHERS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Amit Choudhary, Advocate
for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Gaurav Gupta, Advocate
for respondents No.2 and 3.

VIVEK PURI, J.(ORAL)

Status report by way of an affidavit of Chander Pal, DSP (Traffic), Fatehabad, on behalf of respondent No.1-State has been placed on record.

The petitioners are seeking to quash the FIR No.126 dated 15.06.2022 under Sections 323, 452, 506, 34 IPC registered at Police Station Bhattu Kalan, District Fatehabad and all the subsequent proceedings arising therefrom on the basis of compromise.

On 20.07.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 20.07.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Fatehabad has sent the report and the relevant portion whereof is reproduced here-in-below:-

*“In view of the statements made by the parties
and statement of Investigating Officer HC Rattan
Singh No.930/FTB., P.S.Bhattu Kallan, Fatehabad,*

this Court is of the view that parties have got their statements recorded voluntarily, without any undue influence or coercion. As per the statements of parties, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Further, there are two complainant namely Jyoti and Sukhdev and three accused persons namely Rohtash, Mukesh and Rajender in the present case bearing FIR No.126 dated 15.06.2022 under Sections 323, 452, 506 and 34 of IPC, P.S.Bhattu Kallan, Fatehabad, and moreover, the accused have never been declared as proclaimed offenders/persons and no other case has ever been registered against the accused persons namely Mukesh and Rajender whereas one case bearing FIR No.67/20.04.2021, under Sections 323, 341, 365, 506, 34 and 120B IPC, P.S.Bhattu Kalan is registered against accused Rohtash which is pending.”

Learned counsel for the petitioners contend that the dispute between the parties has been amicably settled in terms of the compromise, Annexure P-2. The petitioners and respondents No. 2 and 3 are the neighbourers and residents of the same village. They are well acquainted with each other since long. The FIR has been registered due to some misunderstanding. With the intervention of the respectables, an amicable settlement has been effected which will help in maintaining the cordial relations between the parties in future.

Learned counsel for respondents No.2 and 3 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the 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. The compromise is without any pressure and 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 of the neighbourers 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***.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.126 dated 15.06.2022 under Sections 323, 452, 506, 34 IPC registered at Police Station Bhattu Kalan, District Fatehabad and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

05.01.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No