

CRM-M-29842-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(125)

CRM-M-29842-2023 (O&M)

Date of Decision:- 14.09.2023

Vikash

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Lalit Kumar Yadav, Advocate
for the applicant-petitioner.

Mr. Munish Sharma, DAG, Haryana
for State-respondent No.1.

Ms. Meenu Sharma, Advocate for
Mr. Badal Malik, Advocate
for respondents No.2 and 3.

SUVIR SEHGAL, J. (Oral)

CRM-36631-2023

1. Application is allowed as prayed for.
2. Date of hearing of the main petition is advanced from 07.11.2023 to today and it is ordered to be taken on Board.

CRM-38702-2023

1. Application is allowed as prayed for.
2. Intimation received from the 4th Battalion, Haryana Armed Police, Madhuban, regarding the selection of the petitioner to the post of Constable is taken on record as Annexure A-1.

Main case

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.116 dated 01.05.2020, registered for offences under Sections 147, 149, 323 and 506 of the Indian Penal Code, 1860, at Police Station Kosli, District Rewari, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise by way of affidavits dated 27.04.2023 and 20.05.2023, Annexures P-2 and P-3, executed by respondents No.2 and 3, respectively.
2. Counsel for the petitioner submits that FIR, Annexure P-1, is an outcome of a petty altercation due to a misunderstanding. He submits that matter has been amicably resolved as is apparent from affidavits, Annexures P-2 and P-3, respectively. Counsel submits that the petitioner was not named in the FIR and was nominated on the basis of a confessional statement of an accused.
3. Upon instructions received from HC, Vikram, State counsel submits that challan has been presented, charge has been framed against the petitioner and prosecution evidence is underway.
4. Counsel representing respondents No.2 and 3 submits that she does not have any objection in case the prayer made in the petition is acceded to.
5. Report has been received from the Trial Court, relevant extract of which is as under:-

“7. Vide order dated 03.07.2023, information has also been sought from undersigned regarding whether the compromise is genuine, voluntary and without any coercion

or undue influence. In this regard, it is submitted that I have inquired from both the parties especially from the complainant side who have stated that as such there is no compromise arrived between the parties but since they have not mentioned name of accused Vikash in the FIR and he was implicated only on the basis of disclosure statement suffered by accused persons, therefore, they have no objection, if the present FIR is quashed only against accused Vikash. It is further submitted that statement suffered before the Court by complainant and injured are voluntary and without any coercion or undue influence.”

6. Heard counsel for the parties.
7. In view of the report given by the Trial Court and the judgment of the Supreme Court in ***Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543*** and a Full Bench of this Court in ***Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, this Court is of the view that keeping the criminal proceedings alive would not serve any purpose and setting them aside would enable the parties to lead a harmonious and peaceful life.
8. Accordingly, the petition is allowed. FIR No.116 dated 01.05.2020, registered for offences under Sections 147, 149, 323 and 506 of the Indian Penal Code, 1860, at Police Station Kosli, District Rewari, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

14.09.2023
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No