

CRM-M-31688-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31688-2022

Date of decision : 27.01.2023

Nirmala Devi and another

.....Petitioners

VERSUS

State of Haryana and another

....Respondents

CORAM:- HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gaurav Aggarwal, Advocate
for petitioners.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Ajit Sihag, Advocate,
for respondent No.2 - complainant.

VIVEK PURI, J. (ORAL)

The petitioners are seeking quashing of the FIR No.0299 dated 06.12.2020 under Sections 323/34/341/506/325 (Section 325 added later on) of Indian Penal Code, registered at Police Station Sadar Bahadurgarh, District Jhajjar and all the subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2)

On 22.09.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 22.09.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Bahadurgarh, District Jhajjar, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“i) As per statement of Investigation Officer, ASI Amit Kumar, 1120/JJR P.S. Sadar, Bahadurgarh, two accused persons namely Navdeep & Nirmla Devi were arraigned in present case. In this case, Mahtab son of Fathe Singh is complainant/victim.

ii) Statement of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise recorded. The name of the complainant in this case is Mahtab son of Fathe Singh and he has appeared before the Court and made his statement dated 16.11.2022 in support of compromise with accused person. Even, the statements of all accused were recorded. As per the respective statements, parties have compromised the matter out of their sweet will and the compromise is genuine, voluntarily and without any coercion or undue influence.

iii) In this regard, it is submitted that none of the accused persons has been declared as a proclaimed offender till date and there are no other cases pending cases against accused.

iv) In this regard, it is submitted that the case is at the stage of prosecution evidence.

v) As per the respective statements, compromise is genuine, voluntary and without any coercion or undue influence.”

Learned counsel for the petitioners contends that the FIR has been registered on the allegations that on 06.12.2020 at about 06:00 P.M, the petitioners had inflicted injuries by means of stick on the person of respondent No.2. It has been submitted that petitioner No.1 is the sister and petitioner No.2 is the nephew of respondent No.2. The dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). The parties are close relatives and an amicable settlement will help in maintaining cordial

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relations between them in future.

Learned counsel for respondent No.2 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 or close relatives has been sought to be amicably settled. Consequently, a deserving case is made 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.0299 dated 06.12.2020 under Sections 323/34/341/506/325 (Section 325 added later on) of Indian Penal Code, registered at Police Station Sadar Bahadurgarh, District Jhajjar and all the subsequent proceedings arising

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therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only. Resultantly, with the above-said observations made, the petition stands allowed.

(VIVEK PURI)
JUDGE

27.01.2023

Nisha-I

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>