

232 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28690-2019 (O&M)
DATE OF DECISION:-20.01.2023

Malkiat Singh and others

...Petitioners.

vs.

State of Haryana and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Sunita Nambiar, Advocate for the petitioners.

Mr. Sumit Jain, Additional Advocate General, Haryana.

Ms. Amandeep Kaur, Advocate for
Mr. Satnam Singh Thakur, Advocate
respondent No.2.

HARKESH MANUJA, J.

CRM-26533-2019

Prayer in this application is for correction of father's name of
petitioner No.1.

Heard.

For the reasons mentioned in the application, which is duly
supported by an affidavit of petitioner No.1, same is allowed and now,
father's name of petitioner No.1 be read as “Mangat Singh” instead of
“Kulwinder Singh”.

Amended memo of parties is taken on record. Be tagged at
appropriate place.

Main case

By way of present petition under Section 482 Cr.P.C., the
petitioners pray for quashing of FIR No.0362 dated 18.05.2019, under

Sections 148, 149, 323, 379-B, 506 IPC and Sections 25 and 54 of the Arms Act, 1959, registered at Police Station Assandh, District Karnal (Annexure P-1) along with all consequential proceedings arising out of the same on the basis of compromise/affidavit dated 25.06.2019 (Annexure P-2).

2. As per the allegations levelled in the FIR, the petitioners encircled the complainant and gave multiple injuries to him with their respective weapons and forcibly took out his money as well as threatened to kill him.

3. In pursuance to an order dated 08.07.2019 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 the compromise arrived at between them, report dated 25.07.2019 has been received from the concerned court, stating that compromise is genuine as the parties have entered into compromise voluntarily without any coercion. There are total 07 accused, namely, Malkit Singh s/o Mangat Singh, Gurjant Singh, Malkiat Singh s/o Nidhan Singh, Pardeep, Gurpartap Singh, Karaj Singh and Jitender Singh, in the present FIR. During investigation, Karan @ Gopa-petitioner No.6 found innocent, however, he has also approached this Court by way of present petition. Though, Jitender Singh-petitioner No.7 has not surrendered before the Investigating Officer, however, he has not been declared as proclaimed offender so far. There is no other complainant except Mohit Sharma. Two more cases are pending against petitioner No.5, whereas, one more case is registered against petitioners No.1 to 4.

4. Once, the compromise has been arrived at between the parties without any pressure and respondent No.2 has 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. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences has no societal interest involved, it would be appropriate to render a 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 directions issued by this 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.***

Further, the learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ***Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589*** and this Court in ***Joginder Singh & another Vs. State of Punjab and another***, passed in CRM-M-23739- 2010 decided on 27.04.2011, ***Rajinder Singh Vs. State of Punjab & another***, passed in CRM-M- 37395-2016 decided on 16.05.2017 and ***Vimal Kalra & others Vs. State of Punjab & another***, passed in CRMM-20355-2022, decided on 25.07.2022 also submits that partial quashing of the FIR is even permissible on the basis of a compromise.

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.0362 dated 18.05.2019, under Sections 148, 149, 323, 379-B, 506 IPC and Sections 25 and 54 of the Arms Act, 1959, registered at Police Station Assandh, District Karnal (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners only.

7. Accordingly, petition stands disposed of but subject to deposit of a sum of Rs.20,000/- by the petitioners within a period of two weeks from today in the following account:-

Account Name – Punjab and Haryana High Court Bar
Association Lawyer's Family Welfare Fund
Account No.-41564846387
Bank Name- SBI High Court Branch.

20.01.2023

sonika

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No