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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-35331-2022 (O&M)
Date of Decision: 14.03.2023**

ASHISH KUMAR AND OTHERS

....Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Rakesh Gupta, Advocate
for the petitioners.

Mr. Arun Beniwal, DAG, Haryana
for respondent No.1/State.

Mr. Arun Kumar Gupta, Advocate for
Mr. H.S. Dhillon, Advocate
for respondent No.2.

HARSH BUNGER, J. (Oral)

This petition has been filed under Section 482 Cr.P.C for quashing of FIR No.334 dated 18.07.2020, under Sections 323 and 506 read with Section 34 of Indian Penal Code registered at Police Station Mahesh Nagar, Ambala Cantt., Ambala (Annexure P-1) and all the consequent proceedings arising therefrom, on the basis of compromise dated 15.07.2022 (Annexure P-2) arrived at between the parties.

Vide order dated 12.01.2023, the Illaqa Magistrate/trial Court was directed to record the statements of the parties with regard to the genuineness and validity of the compromise.

In compliance thereof, the Judicial Magistrate First Class, Ambala has submitted its report, vide letter dated 08.02.2023 which indicates that the parties appeared before the Magistrate and got recorded

their respective statements with regard to the validity of the compromise. As per the report, the compromise arrived at between the parties is genuine and without any pressure or coercion from any corner. Relevant extract of the said report is reproduced as under:-

“I have the honour to refer to the directions issued by the Hon'ble High Court vide order dated 12.01.2023 in CRM-M-35331 of 2022 titled as "Ashish Kumar and others Versus State of Haryana & Anr." whereby parties were directed to appear before the court for recording their statements with regard to compromise on 08.02.2023 before the Ld. Illaqa/trial Magistrate. The parties alongwith their respective counsel appeared before the court and got recorded their statements to the effect that they have compromised the matter with each other voluntarily without any coercion or undue influence, pressure etc. from any side. Statement of SI Amar Singh No.93, PS Mahesh Nagar has also been record to this effect that there are three accused i.e. accused Vijay Kumar, Hari Shankar and Ashish Kumar. Challan against accused Vijay and Hari Shankar has been submitted in the Hon'ble Court and arrest of accused Ashish Kumar is pending in this case and except the present case Fir No.151 dated 18.10.2017 under Section 406, 498-A and 506 IPC PS Women Ambala is pending against the accused Ashish Kumar and Vijay Kumar and no other case is pending against accused Hari Shankar nor any accused is proclaimed offender in this case.

As such, from statements of the parties, I am of the opinion that the compromise is genuine, voluntary and without any coercion or undue influence. Accordingly, report in the matter along-with original statements, photo-state copies of Aadhar-card of the parties, copy of compromise deed (Annexure-I) are enclosed here-with for consideration of the Hon'ble High Court, please.”

A perusal of the said report would show that statements of all the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise was entered into voluntarily and without any pressure.

Learned State counsel does not raise any serious dispute regarding quashing of aforesaid FIR in question.

Learned counsel for respondent No.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the parties.

I have heard the learned counsel for the parties and have perused the file.

In the light of the judgments rendered by the Hon'ble Apex Court in the cases of *Shakuntala Sawhney Vs. Kaushalya Sawhney, (1979) 3 SCR 639* and *Gian Singh Versus State of Punjab and another. 2012(4) RCR (Criminal) 543* and considering the entire facts, compromise, the statements of the parties recorded before the Illaqa Magistrate / Trial Court and also the report dated 08.02.2023 submitted by Judicial Magistrate First Class, Ambala since the parties have arrived at a compromise by amicably settling their disputes and have decided to live in peace, no useful purpose will be served in allowing the criminal proceedings to continue.

Further, in the light of the above mentioned judicial precedents, when the parties have entered into a compromise, then continuation of the proceedings would be mere an abuse of process of the Court.

In order to prevent unnecessary continuation of criminal proceedings on the ground that there are bleak chances of conviction in the case, I am of the considered view that it would be in fitness of things to quash the proceedings on the basis of compromise and by quashing the FIR while accepting the prayer of the petitioners, would be securing the ends of justice.

Accordingly, this petition is allowed. FIR No.334 dated 18.07.2020, under Sections 323 and 506 read with Section 34 of Indian Penal Code registered at Police Station Mahesh Nagar, Ambala Cantt., Ambala (Annexure P-1) and all the consequent proceedings arising therefrom, are quashed qua the petitioners. However, the same would be subject to payment of costs of Rs.10,000/- to be deposited by the petitioners with the **“Poor Patients' Welfare Fund, PGIMER, Chandigarh”** and the said amount would be spent for the treatment of poor patients within the knowledge of its Medical Superintendent.

Needless to say that parties shall remain bound by the terms of compromise and their statements made in the Court below.

Disposed of in the aforesaid terms.

All pending application(s), if any, shall stand disposed of.

14.03.2023
Amandeep

(HARSH BUNGER)
JUDGE

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