

CRM-M-39310-2023

-1-

332

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39310-2023

Date of decision:-02.11.2023

Shankar and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Amardeep Sheoran, Advocate
for the petitioners.

Ms.Geeta Sharma, DAG, Haryana.

Mr.Yashveer Kharb, Advocate
for respondents No.2 and 3.

SUVIR SEHGAL, J.(ORAL)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.82 dated 17.09.2017, under Sections 148, 149, 323, 324, 325, 34, 506 IPC, registered at Police Station Rohrai/Rohadai, District Rewari, Annexure P1, along with all subsequent proceedings arising therefrom, on the basis of compromise along with affidavits dated 10.07.2023, Annexure P2.

2. Counsel for the petitioners submits that FIR is a fallout of an altercation between the parties, who are neighbours. He submits that the dispute arose due to a misunderstanding, which has been removed and the dispute has been amicably settled by compromise, Annexure P2

332

and the parties have appeared before the learned Judicial Magistrate and recorded their statements.

3. Upon instructions, State counsel submits that the trial is under-way.

4. Counsel for the complainant and injured, respondents No.2 and 3, has admitted the factum of compromise.

5. Heard counsel for the parties.

6. Pursuant to order dated 10.08.2023 passed by this Court, report has been received from the Judicial Magistrate, relevant extract of which is as under:-

“(i) the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case – In this regard, it is submitted that total seven persons have been arraigned as accused in the FIR and all of them have appeared before the Court and suffered statement. It is further submitted that none of the accused is absconded (sic absconding) or has been declared as proclaimed person by the Court.

(ii) the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of compromise – In this regard, it is submitted that complainant is Birender @ Binder son of Bishamber Dayal and injured is Naresh son of Bishamber Dayal and both of them have appeared and suffered statement in support of the compromise.

(iii) the stage of trial/proceedings – Case is at the stage of prosecution evidence.

(iv) ***if the compromise is genuine, voluntary and out of free***

will of the parties:- In this regard, it is submitted that compromise has been effected between the parties is without any threat or pressure and is genuine, voluntary and out of the free will of the parties.

(v) ***whether any other criminal case is pending against the***

accused – In this regard, statement of I.O. has been recorded and he has stated that no other criminal case is pending against the accused persons”

7. In view of the report given by the learned Magistrate and 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.82 dated 17.09.2017, under Sections 148, 149, 323, 324, 325, 34, 506 IPC, registered at Police Station Rohrai/Rohadai, District Rewari, Annexure P1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

02.11.2023
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No