

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

**CRM-M-35804-2019
Date of Decision: 13.02.2023**

Gourav Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Vijay Kumar, Advocate for
Mr. Vikash Garg, Advocate
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana
for respondent No.1/State.

Mr. Vikram Sharma, Advocate
for respondents No.2 to 4.

HARSH BUNGER J. (ORAL)

Present petition under Section 482 Cr.P.C. is filed for quashing of FIR No.813 dated 25.11.2016 (Annexure P-1), under Sections 323, 452 and 506 IPC, registered at Police Station City Jagadhri, along with all consequential proceedings arising therefrom, on the basis of compromise dated 29.07.2019 (Annexure P-3).

Vide order dated 29.08.2019, passed by a co-ordinate Bench of this Court, the trial Court/Illaq Magistrate was directed to record the

statements of the parties with regard to the compromise.

In compliance thereof, the Additional Chief Judicial Magistrate, Yamuna Nagar at Jagadhri, vide letter dated 01.11.2019, has submitted a consolidated report, accompanied by statements of complainant-Gulshan in his individual capacity and also as G.P.A. of injured Pooja and Raj Rani, along with statement of Investigating Officer, 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 with free will and consent. Said report is reproduced as under:

“In compliance of order dated 29-8-2019 passed by Hon'ble High Court of Punjab & Haryana at Chandigarh, in CRM-M-35804 of 2019 titled as Gourav Kumar Vs. State of Haryana & others, bearing FIR No.813 dated 25-11-2016 under Sections 323, 452, 506 of IPC, Police Station City Jagadhri, District Yamuna Nagar, I have the honour to report that:-

i) & ii) In the abovesaid FIR, complainant i.e. Gulshan being himself as well as G.P.A. of injured Pooja and Raj Rani and accused Gourav, appeared before this court and they recorded their joint voluntary statement before this Court in support of the compromise so effected. Their joint statement is Annexure-I (Annexed herewith in original). Separate statement of complainant Gulshan to the effect that Pooja and Raj Rani are unable to appear before the court for recording compromise is Annexure-II and G.P.A. executed by Pooja and Raj Rani in favour of complainant Gulshan is Annexure A-III (Annexed herewith in original). Before recording the statements, the undersigned orally examined both the parties

and ensured that compromise has been effected between the parties out of their own free will and there has been no coercion or pressure of any kind. Hence, it is concluded that the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner and compromise effected between the parties is genuine and valid.

iii) As per joint statement of parties, all the accused, complainant and injured are parties to the compromise.

iv) In the abovesaid FIR, ASI Rajiv Kumar, Investigating Officer (IO) of this case was called and his statement was recorded by this court. As per statement of IO, except for the present case, no other case is pending against either of the parties.

v) As per statement of IO, none of the parties, i.e. complainant, injured and accused has been declared as proclaimed offender in the present case.

vi) As per statement of IO, the accused Gourav is not previous convict in any other case. Statement of IO is Annexure-IV (Annexed herewith in original).

- x - x - ”

A perusal of the said report would show that statements of 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 arrived at between them is genuine, voluntary and without any pressure.

Learned State counsel does not raise any serious dispute

regarding quashing of the FIR in question.

Learned counsel for respondents No.2 to 4 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 learned counsel for the parties and perused the file.

In the light of judgments rendered by the Hon'ble Apex Court in the cases of "*Shakuntala Sawhney Vs. Kaushalya Sawhney*", 1979 (3) SCR 639 and "*Gian Singh Vs. State of Punjab and another*", 2012 (4) RCR (Criminal) 543, and also considering the entire facts, compromise arrived at between the parties, statements of the parties recorded before the Additional Chief Judicial Magistrate, Yamuna Nagar at Jagadhri, and also report dated 01.11.2019, submitted by the Additional Chief Judicial Magistrate, Yamuna Nagar at Jagadhri, 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 abovementioned 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 petitioner, would be securing the ends of justice.

Accordingly, this petition is allowed. FIR No.813 dated

25.11.2016 (Annexure P-1), under Sections 323, 452 and 506 IPC, registered at Police Station City Jagadhri and all the consequential proceedings arising therefrom are quashed qua the petitioner. However, the same would be subject to payment of costs of Rs.10,000/- to be deposited by the petitioner 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 the parties shall remain bound by the terms of compromise and their statements made in the Court below.

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

13.02.2023*Apurva***(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No