

251 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43109-2022
DATE OF DECISION:-15.02.2023

Kapil and others ...Petitioners.

vs.

State of Haryana and others ...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Manoj Kumar Taya, Advocate for
Mr. Sandeep Singh, Advocate,
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Ms. Jasleen Kaur, Advocate for
Mr. Rajesh Malik, Advocate,
for respondents No.2 and 3.

HARKESH MANUJA, J.

By way of present petition under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.749 dated 15.08.2022, under Sections 148, 149, 307, 323 and 506 IPC, registered at Police Station Karnal Sadar, District Karnal along with all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

2. As per the allegations levelled in the FIR, the petitioners entered into an altercation with the son (Prince) of complainant and gave injuries to him with their respective weapons due to which, he suffered grievous injuries.

3. In pursuance to an order dated 19.09.2022 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, a report dated 19.12.2022 has been received from the concerned court stating that the compromise is genuine and without any coercion or undue influence. It also finds mentioned in the report that there were total six persons arrayed as accused namely, Kapil, Gopal, Ravi, Sagar, Sanjay and Rakesh, out of which, Sanjay and Rakesh were found innocent and remaining i.e. the present petitioners were challaned and charge-sheeted. No accused has been declared as PO.

4. Once, the compromise has been arrived at between the parties without any pressure and respondents No.2 and 3 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising therefrom against the petitioner; the dispute being purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR. Even otherwise, the parties are closely related as they belong to the same family and keeping in view the safety and betterment of the future of generations to come, they have entered into a settlement. Under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render 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.***

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, FIR No.749 dated 15.08.2022, under Sections 148, 149, 307, 323 and 506 IPC, registered at Police Station Karnal Sadar, District Karnal as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

7. Accordingly, petition stands allowed subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Association Lawyer's Family Welfare Fund having Account No.41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from the date of receipt of certified copy of this order.

15.02.2023

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(HARKESH MANUJA)
JUDGE

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