

CRM-M-43045-2020
Date of Decision: 28.03.2023

MAMTA RANI AND OTHERS ... PETITIONERS
VS.
STATE OF HARYANA AND OTHERS .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Jagjit Gill, Advocate
for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Gurpreet Singh Aulakh, Advocate for
Mr. Balraj Singh Sidhu, Advocate
for respondents No.2 to 5.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash the FIR No.240 dated 07.10.2019 under Sections 147/148/149/323/324/506 IPC (Section 326 IPC added later on) registered at Police Station Sadar Sirsa, District Sirsa and all the subsequent proceedings arising therefrom on the basis of compromise.

On 21.12.2020, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court/Duty Magistrate.

In compliance of the order dated 21.12.2020, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Sirsa has sent the report and the relevant portion whereof is reproduced here-in-below:-

“Besides recording the statements of the parties, the Court has also duly enquired about the compromise between two sides independently from the complainant and accused as well as their counsels. Both the counsels representing the parties have also stated that the matter has been compromised between the parties and there is no ill will between the two sides. So, after perusal of statements of the parties and after enquiring

from the parties independently as well as their counsels, the Court is of the opinion that the compromise arrived between the parties is genuine and voluntarily made without any undue influence, coercion threat or pressure. There is a case bearing FIR No.239 of 2019 titled as State Vs. Hansraj & Ors. under Sections 323, 452, 506 read with Section 34 of Indian Penal Code is pending between parties (however the matter is compromised).

No other person except above-mentioned is nominated as accused in present case. No accused is in custody and no accused is declared proclaimed offender. In present case only accused Baldev Singh and Bhupender Singh are on bail.”

Learned counsel for the petitioners contend that as per the allegations, on 04.10.2019, the petitioners had inflicted injuries on the person of respondents No.2 to 5. It has been submitted that the dispute has been amicably settled between the parties in terms of the compromise, Annexure P-3. Even the cross FIR No. 239 dated 07.10.2019 under Sections 147/148/149/323/452/506 IPC has been registered against respondents No. 2 to 5 and others at the instance of petitioner No.1. The injury under Section 326 IPC is on the right hand of respondent No.4 and none of the injury has resulted in any disability much less permanent disability. The parties are residents of the same village and an amicable settlement will help in maintaining cordial relations between them in future.

Learned counsel appearing for respondents No.2 to 5 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the FIR is quashed.

After hearing learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at a settlement, out of

the Court, by way of compromise. The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the private dispute has been sought to be amicably settled. Consequently, a deserving case is made out where the court should exercise the power to secure the ends of justice.

For the aforesaid view, this Court finds support from *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, upheld by Hon'ble Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.240 dated 07.10.2019 under Sections 147/148/149/323/324/506 IPC (Section 326 IPC added later on) registered at Police Station Sadar Sirsa, District Sirsa and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

28.03.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No