

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 47406 of 2021
Reserved on: 16.01.2023
Pronounced on : 02.02.2023

Sanjay KumarPetitioner

Vs.

State of Haryana and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Gurdeep Kaur, Advocate for
Mr. P.K. Ganga, Advocate,
for the petitioner.

Mr. G.S. Dhillon, AAG, Haryana.

Mr. Satyam Khichi, Advocate,
for respondent No.2.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Section
528	22.08.2019	Sirsa City, District Sirsa	406 IPC

The petitioner, arraigned as accused in the above captioned FIR, has come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings based on the compromise with the aggrieved person.

2. During the pendency of the petition, the accused and the aggrieved person have compromised the matter, and its copy is annexed with this petition as Annexure P-2.
3. After that, the petitioner came up before this Court to quash the FIR, and in the quashing petition, impleading the aggrieved person as respondent.
4. On 26.11.2021, the aggrieved person Dr. Rajesh Kumar Jain (R-2) appeared before the Chief Judicial Magistrate, Sirsa and stated that there would be no objection if the court quashes this FIR and consequent proceedings. As per the concerned court's report dated 30.11.2021, the parties consented to the quashing of FIR and consequent proceedings without any threat.

ANALYSIS & REASONING:

5. Despite the opposition of the State’s counsel to this compromise, the following aspects would be relevant to conclude this petition. In the present case, the offence under section 406 IPC is compoundable under Section 320 CrPC, with the court’s permission. Given the legislative mandate, the prosecution can be closed by quashing the FIR and consequent proceedings.
6. In Shakuntala Sawhney v Kaushalya Sawhney, (1979) 3 SCR 639, at P 642, Hon’ble Supreme Court observed that the finest hour of Justice arises propitiously when parties, who fell apart, bury the hatchet and weave a sense of fellowship or reunion.
7. In the light of the judicial precedents referred to above, given the terms of compromise, placement of parties, and other factors peculiar to the case, the contents of the compromise deed and its objectives point towards its acceptance.
8. In Himachal Pradesh Cricket Association v State of Himachal Pradesh, 2018 (4) Crimes 324, Hon’ble Supreme Court holds “[47]. As far as Writ Petition (Criminal) No. 135 of 2017 is concerned, the appellants came to this Court challenging the order of cognizance only because of the reason that matter was already pending as the appellants had filed the Special Leave Petitions against the order of the High Court rejecting their petition for quashing of the FIR/Chargesheet. Having regard to these peculiar facts, writ petition has also been entertained. In any case, once we hold that FIR needs to be quashed, order of cognizance would automatically stands vitiated.”
9. Considering the entire facts, compromise, and in the light of the above-mentioned judicial precedents, I believe that continuing these proceedings will not suffice any fruitful purpose whatsoever. In the facts and circumstances peculiar to this case, the Court invokes the inherent jurisdiction under section 482 CrPC and quashes the FIR and all subsequent proceedings qua the petitioner(s). The bail bonds of the petitioner are accordingly discharged. All pending application(s), if any, stand closed.

Petition allowed in the terms mentioned above.

(ANOOP CHITKARA)
JUDGE

02.02.2023
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.