

124 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-49474-2023 in/and
CRM-M-41943-2023
DATE OF DECISION:-04.12.2023

Sandeep Kumar and others ...Petitioners.

vs.

State of Haryana and another ...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sumit Sangwan, Advocate,
for the petitioners.

Mr. Viney Phogat, DAG, Haryana.

Mr. Ajay Vijorania, Advocate
for respondent No.2.

HARKESH MANUJA, J.

CRM-49474-2023

Prayer in this application is for preponing the date of hearing of
the main case, which is fixed for 14.04.2024.

Heard.

For the reasons mentioned in the application, duly supported by
an affidavit, the same is allowed and date of hearing of the main case is
preponed from 14.04.2024 to today itself i.e. 04.12.2023 for hearing.

Main case

1. By way of present petition under Section 482 Cr.P.C., the
petitioner prays for quashing of FIR No.231, dated 07.04.2023, under
Sections 323, 34, 341, 427 and 506 IPC, registered at Police Station HTM

Hisar, District Hisar, Haryana and all other subsequent proceedings arising therefrom on the basis of compromise dated 05.08.2023 (Annexure P-2).

2. As per allegations levelled in the FIR, petitioners inflicted injuries to respondent No.2-complainant with dandas, chapals/shoes, glass bottles.

3. In pursuance of order dated 24.08.2023 passed by this Court, whereby parties were directed to appear before the Trial Court for getting their statements recorded as regards the veracity of compromise arrived at between them, a report dated 07.10.2023 has been received from the concerned court, stating that the compromise arrived at between the parties appears to be voluntary and without any pressure. No accused has been declared as proclaimed offender.

4. Once, the compromise has been arrived at between the parties without any pressure and respondent No.2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; there does not appear to be any impediment as regards quashing of present FIR qua the petitioners. Even otherwise, in order to maintain peace and harmony between the parties, particularly 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

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the direction issued by the 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 facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, FIR No.231, dated 07.04.2023, under Sections 323, 34, 341, 427 and 506 IPC, registered at Police Station HTM Hisar, District Hisar, Haryana as well as all subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

7. Accordingly, petition stands allowed subject to payment of costs of Rs.5,000/- to be deposited by the petitioners 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 today.

04.12.2023

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(HARKESH MANUJA)
JUDGE

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