

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

CRM-M-44910-2022

Date of Decision: 11.01.2023

HEMANT KUMAR AND OTHERS ... PETITIONERS
VS.
STATE OF HARYANA AND OTHERS .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Amit Khatkar, Advocate
for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Raman Kaswan, Advocate
for respondents No.2 and 3.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash the FIR No.727 dated 02.12.2020 under Sections 148, 149, 323, 324 and 326 IPC registered at Police Station Shahabad, District Kurukshetra and all the subsequent proceedings arising therefrom on the basis of compromise.

Briefly, the FIR has been registered on the allegations that on 01.12.2020, the injuries were inflicted on the person of respondents No. 2 and 3 by the petitioners in a hotel premises. The petitioners had booked the premises for some ceremony and respondents No. 2 and 3 were workers in the hotel. The dispute has arisen on account of payment of bill and on that score, the injuries were inflicted.

On 27.09.2022, the parties were directed to get their statements recorded before the learned trial Court/Duty Magistrate.

In compliance of the order dated 27.09.2022, the statements of the parties have been recorded and the learned Sub Divisional Judicial Magistrate, Shahabad has sent the report and the relevant portion whereof is reproduced

here-in-below:-

“(i) There are three accused persons namely Rahul Bambhoriya, Hemant Kumar & Abhishek arrayed in the present FIR.

(ii) None of the accused has been declared proclaimed offender in the present FIR.

(iii) The compromise is genuine and is found valid, voluntary, out of free will of the parties and without any influence and coercion.

(iv) There is one criminal case bearing FIR No. 1134 dated 6.12.2021, under Sections 417, 420, 467, 468, 471 IPC, 18(A), 18(C) Drugs and Cosmetics Act ad 15(2) B 15(3) of Indian Medical Council Act, P.S. Sadar, Karnal pending against accused Hemant Kumar.

(v) As per the statement of I.O. ASI Amit Kumar No. 31/R, Ambala Police Station Shahabad, there is one complainant/victim namely Rajat and one injured namely Roshan Lal.”

Learned counsel for the petitioners contend that the dispute has been amicably settled between the parties. Annexures P-2 and P-3 are the affidavits of respondents No. 2 and 3, respectively to indicate that amicable settlement has been effected between the parties. Although, the injury under Section 326 IPC was inflicted on the left wrist of respondent No.2, but it has not resulted in any disability much less permanent disability. The amicable settlement will help in maintaining cordial relations between the parties in future.

Learned counsel for respondents No.2 and 3 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 of the neighbourers 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.727 dated 02.12.2020 under Sections 148, 149, 323, 324 and 326 IPC registered at Police Station Shahabad, District Kurukshetra 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.

11.01.2023
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(VIVEK PURI)
JUDGE

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