

2023:PHHC:136137
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44726-2023
Date of Decision:18.10.2023

Manpreet and others

...Petitioners

vs.

State of Haryana and Anr.

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Sushil Bhardwaj, Advocate
for the petitioners.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. Vinod Pundir, Advocate
for respondent No.2.

N.S.Shekhawat J. (Oral)

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 325 dated 16.12.2011 registered under Sections 114, 148, 149, 323, 324, 325, 427 and 506 IPC at Police Station Kunjpura, District Karnal (Annexure P-1) and Criminal case No. RBT/23/15 dated 15.02.2012 (Annexure P-2) under Sections 148, 149, 323, 324, 325, 326, 307, 365, 367, 114, 506 and 120-B IPC and judgement of conviction and order of sentence dated 08.10.2018 and 10.10.2018 (Annexure P-3) and subsequent proceedings arising therefrom on the basis of compromise (Annexure P-5).

2. Vide order dated 06.09.2023, while issuing notice of motion, this Court had directed the parties to appear before the Illaqa Magistrate/trial Magistrate for getting their statements recorded with respect to the compromise (Annexure P-5).

3. Pursuant to aforesaid order, the parties have appeared before the

Additional Sessions Judge, Karnal and got their statements recorded. Report dated 30.09.2023 has been received whereby after recording the statements of the parties, the Court below has shown its satisfaction that the compromise is genuine, voluntary and without any coercion or undue influence.

4. I have heard counsel for the parties and gone through the case file.

5. The Hon'ble Supreme Court in ***"Ramgopal and another versus State of Madhya Pradesh, 2021(4) RCR (Criminal) 322"***, has held that in non-compoundable cases of pre-dominantly private nature, even if compromise is reached after conviction, the proceedings can be quashed under Section 482 Cr.P.C. Further, the compromise in the present case is found to be fully in consonance of judgments with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543"***.

6. Further, the learned counsel for the petitioners, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ***Jayrajsinh Digvijaysinh Rana Versus State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589 and this Court in Joginder Singh & another Vs. State of Punjab and another, CRM-M-23739-2010 decided on 27.04.2011, Rajinder Singh Vs. State of Punjab & another, CRM-M-37395-2016 decided on 16.05.2017, Bhoj Raj Vs. State of Punjab & another, CRM24945-2019 decided on 27.09.2019 and Vimal Kalra & others Versus State of Punjab & another, CRMM-20355-2022, decided on 25.07.2022*** submits that partial quashing of the FIR was possible on the basis of a compromise.

7. In view of the law laid down by the Hon'ble Supreme Court and also the report dated 30.09.2023 submitted by Additional Sessions Judge,

Karnal, the present petition deserves to be allowed and the FIR No. 325 dated 16.12.2011 registered under Sections 114, 148, 149, 323, 324, 325, 427 and 506 IPC at Police Station Kunjpura, District Karnal (Annexure P-1) and Criminal case No. RBT/23/15 dated 15.02.2012 (Annexure P-2) under Sections 148, 149, 323, 324, 325, 326, 307, 365, 367, 114, 506 and 120-B IPC and judgement of conviction and order of sentence dated 08.10.2018 and 10.10.2018 (Annexure P-3) alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

8. The present petition stands disposed off.

18.10.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No