

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47294-2022

Date of Decision: 06.01.2023

AMIT PUNIA

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jashan Mehta, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG Haryana.

Mr. Abhivrat Arya, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 91 dated 23.04.2019 under Sections 148, 149, 323 and 324 IPC, registered at Police Station IMT Rohtak, Haryana and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 14.11.2022 the parties were directed to appear before the Trial Court and get their statements recorded with regard to the compromise arrived at between them. The Trial Court was directed to record the statements of all the concerned and send its report regarding genuineness of the compromise.

In compliance of the order dated 14.11.2022, learned Addl. Chief Judicial Magistrate, Rohtak has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“In compliance with the order dated

14.11.2022 referred above, the statements of the petitioner/accused and the respondent No. 2/complainant made voluntarily by them, have been recorded by the undersigned. In his statement, the petitioner/accused Amit has stated that he has arrived at compromise with the complainant voluntarily without any pressure, undue influence etc. He has been duly identified by his counsel Sh. Kulveer Singh Hooda, Advocate.

Complainant Akash and Sachin also stated on oath that they have arrived at a compromise with accused Amit in a Panchayat with the consent of both the parties without any pressure from any side. He has further stated that the FIR was lodged against Amit but after investigation, the police has filed the challan against Amit. There is no other injured in this case, except them. He further stated that the FIR be quashed.

In view of the aforesaid statements of the petitioner/accused namely Amit as well as that of the respondent No. 2/complainant Akash and Sachin, this court is of the opinion that the compromise between the parties above name is valid, genuine, voluntary and out of their free will.

The statement of I.O. was also recorded. As per the statement of IO, the present FIR was filed against one person namely Amit and after investigation, challan was submitted against petitioner/accused and he has appeared in the court and made the statement qua compromise.

It is submitted that above named accused has not been declared Proclaimed Offender/Proclaimed Person and not is absconding. Further, there is complainant/injured Akash and Sachin and they appeared before the court and made the statement qua the compromise. The present case is at the stage of prosecution evidence.

Further, it is submitted that as per the statement of petitioner/accused, no other criminal case is pending against him.”

Learned counsel for the petitioner contends that the case has been registered on the basis of the statement of respondent No.2. The allegations are to the effect that the petitioner had inflicted injuries upon the person of respondent No.2 and also one Sachin. The dispute between the

parties has been amicably settled in terms of the compromise, Annexure P-

2. Even an FIR bearing No. 92 dated 23.04.2019 under Sections 148, 149, 323, 324, 326 IPC has been registered at Police Station IMT Rohtak against the respondent No.2 and others at the instance of the petitioner and an amicable settlement has also been effected therein. A separate petition for quashing the FIR has also been instituted. Although, one of the injured namely Sachin has not been impleaded as a party in the present proceedings but even his statement has also been recorded in the trial Court and is also signatory to the compromise. Both the injured are hale and hearty. The petitioner and respondent No.2 are the residents of the same locality and the amicable settlement will help in maintaining cordial relations between them in future.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned 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 (Annexure P-2). The compromise is without any pressure and is 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*.

Accordingly, the present petition is allowed and FIR No. 91 dated 23.04.2019 under Sections 148, 149, 323 and 324 IPC, registered at Police Station IMT Rohtak, Haryana and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

06.01.2023

Janki

(VIVEK PURI)
JUDGE

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