

222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47932-2022
Date of Decision: 06.01.2023

GAUTAM NANDAL AND OTHERS ... PETITIONERS
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Abhivrat Arya, Advocate for the petitioners.
Mr. Surinder Kumar Dagar, DAG Haryana.
Mr. Jashan Mehta, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 92 dated 23.04.2019 under Sections 148, 149, 323, 324, 326 IPC registered at Police Station IMT Rohtak, Haryana and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

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 view of the aforesaid statements of the petitioners/accused namely Gautam, Akash, Sachin and Lokesh as well as that of the respondent No. 2/complainant Amit, 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 four persons namely Gautam, Akash, Sachin and Lokesh and after investigation, challan was submitted against petitioners/accused and all of them have appeared in the court and made the statement qua compromise.

It is submitted that none of the above named accused persons have been declared Proclaimed Offender/Proclaimed Person and none of the accused is absconding. Further, there is only one complainant/injured namely Amit son of Sh. Satvir Singh and he 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 petitioners/accused, no other criminal case is pending against any of them.”

Learned counsel for the petitioners contend that the FIR has been registered against petitioner No.1 and unknown persons on the basis of the statement of respondent No.2. It was alleged that the injuries were inflicted on the person of respondent No.2. The dispute between the parties has been amicably settled in terms of the compromise, Annexure P-3. Even an FIR bearing No. 91 dated 23.04.2019 under Sections 148, 149, 323 and 324 IPC, Police Station IMT Rohtak, Haryana has been registered against respondent No.2 at the instance of petitioner No.1, the dispute has been amicably settled and a separate petition for quashing the FIR has also been instituted therein. Respondent No.2 is hale and hearty. The petitioners 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-3). 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.92 dated 23.04.2019 under Sections 148, 149, 323, 324, 326 IPC registered at Police Station IMT Rohtak, Haryana and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

06.01.2023

Janki

**(VIVEK PURI)
JUDGE**

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