

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-46858-2023

Date of Decision:-28.11.2023

Ishwar & Ors.

.....Petitioners.

Vs.

State of Haryana & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Rajat, Advocate for
Mr. Surender Lamba, Advocate for the Petitioners.

Mr. Rajiv Goel, Deputy Advocate General, Haryana.

Mr. Sourabh Sheoran, Advocate for the Complainant.

JASJIT SINGH BEDI, J.(ORAL)

The present petition has been filed for quashing of the Complaint Case No.COMI/2267/2013 dated 12.11.2013 (Annexure P-1) registered under Sections 147, 148, 149, 323, 324, 34 IPC and Section 3 of the ST and SC (Prevention of Atrocities) Act, 1989 registered at Police Station Bawani Khera, District Biwani and all consequential proceedings arising therefrom, on the basis of compromise dated 08.09.2023 (Annexure P-2) entered into between the parties.

At the very outset the Counsel for the petitioner submits that one of the accused Pawan who was declared as a proclaimed person had expired.

Vide order dated 22.09.2023 this Court had directed the parties

to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 22.09.2023 with regard to the compromise dated 08.09.2023 (Annexure P-2).

In terms of the order dated 22.09.2023 passed by this Court parties have appeared before the court of Mr. Ashwani Kumar, Additional Sessions Judge, Bhiwani and as per report dated 10.10.2023 submitted to this Court, both the parties have got recorded their respective statements in Court.

A perusal of the aforesaid report would show that the parties have effected a genuine compromise without there being any pressure, coercion or undue influence. In view of the compromise there is a remote possibility of the complainant coming forward to support the prosecution case. The powers under Section 482 Cr.PC can be exercised in such like situation in order to prevent unnecessary vagaries of criminal trial to be faced by the parties, when there are remote chances of conviction of the accused. The compromise in question is found to be fully in consonance with 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***”.

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, CRM-24945-2019 decided on 27.09.2019 and Vimal Kalra & others Versus State of Punjab & another, CRM-M-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR was possible on the basis of a compromise.

In view of the aforesaid report of the learned Additional Sessions Judge, Bhiwani accompanied by statements of both the parties, the Complaint Case No.COMI/2267/2013 dated 12.11.2013 (Annexure P-1) registered under Sections 147, 148, 149, 323, 324, 34 IPC and Section 3 of the ST and SC (Prevention of Atrocities) Act, 1989 registered at Police Station Bawani Khera, District Biwani and all consequential proceedings arising therefrom are hereby quashed qua the petitioners only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

November 24, 2023
Vinay

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