

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

(276)**CRM-M-49011-2023****Date of Decision: 04.12.2023**

Raja and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gaurav Gupta, Advocate, for the petitioners.

Mr. Chetan Sharma, DAG, Haryana.

Mr. Gaurav Singla, Advocate, for respondents No.2.

KULDEEP TIWARI, J.(ORAL)

1. The instant petition, as cast under Section 482 of the Cr.P.C., proffers the hereinafter extracted relief, as craved by the petitioners, inasmuch as, quashing of the FIR No.818 dated 29.10.2020, under Sections 323, 324, 34, 341, 506 IPC (Sections 326 and 201 IPC added later on), registered at P.S. Karnal Sadar, District Karnal and all subsequent proceedings arising therefrom, on the basis of a compromise (Annexure P-2), as entered into inter se the petitioners and respondent No.2.

2. Upon an affirmative response from the learned counsel for respondent No.2 qua the compromise (Annexure P-2), a Co-ordinate Bench of this Court had, through an order drawn on 20.10.2023 upon the instant petition, besides issuing notice, directed the parties to appear before the trial Court/Illaq Magistrate concerned, for getting their respective statements recorded qua authenticity of the compromise (Annexure P-2). Moreover, the trial Court/Illaq Magistrate concerned was also directed to send a report in the above regard.

3. Consequent to the making of the directions (supra), the parties appeared before the Additional Chief Judicial Magistrate, Karnal and got their respective statements recorded, thereby authenticating the compromise (Annexure P-2). Accordingly, in compliance of the directions (supra) of this Court, a Report bearing No.1620 dated 15.11.2023 has been received from the Additional Chief Judicial Magistrate, Karnal, wherein, a satisfaction has been recorded by the Magistrate concerned qua the compromise (supra) being drawn in a genuine and voluntary and without any pressure or coercion and out of free will of the parties. In the report, it has been mentioned that although, three accused named in the FIR, however, challan was filed only against two persons i.e. present petitioners. The relevant extract is reproduced hereunder:

*“2. On 06.11.2023, respondent No.2/complainant namely Chander Shekhar appeared and placed on record self attested copy of his Addhar card to prove his identity. He also gave his statement vide which he stated in writing that he has compromised the matter with petitioners No.1 and 2 accused namely Raj and Raj Kapoor without any pressure, coercion and undue influence. He further stated that he has also no objection if the FIR in question is quashed. He was identified by his counsel Sh. Vineet Kapoor. Copy of statement of respondent No.2/complainant is **Annexure-II**.*

3. Today, police report was received and statement of Investigating Officer was also recorded qua the required information, copy of which is Annexure-III. On the basis of statements of the parties, police report and statement of Investigating Officer, report of the undersigned on the required points is as follows:

a) As per statement of IO, there are two persons arrayed as accused in the FIR namely Raja and Raj

Kapoor and their challan has already been submitted in the Court;

- b) As per police report, none of the accused/petitioners has been declared as Proclaimed Offender in this case;*
- c) On the basis of the statements of the parties as preferred above, undersigned is of the view that compromise is genuine, voluntarily and without any coercion or undue influence.*

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

5. A Co-ordinate Bench of this Court, in **CRM-M-25669-2020 (O&M)**, titled “**Abhishek Singh & others V/s State of Punjab & others**”, **Pronounced on: 07.04.2022**, while granting a similar relief, as craved in the instant petition, has observed as under:-

“9. The following aspects would be relevant to conclude this petition:-

- a) The accused and the private respondents have amicably settled the matter between them in terms of the compromise deed and the statements recorded before the concerned Court;*
- b) A perusal of the documents reveal that the settlement has not been secured through coercion, threats, social boycotts, bribes, or other dubious means;*
- c) The victim has willingly consented to the nullification of criminal proceedings;*
- d) There is no objection from the private respondents in case present FIR and consequent proceedings are quashed;*
- e) In the given facts, the occurrence does not affect public peace or tranquillity, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy;*

- f) The rejection of compromise may also lead to ill will. The pendency of trial affects career and happiness;*
- g) There is nothing on the record to prima facie consider the accused as an unscrupulous, incorrigible, or professional offender;*
- h) The purpose of criminal jurisprudence is reformatory in nature and to work to bring peace to family, community, and society;*
- i) The exercise of the inherent power for quashing the conviction, sentence and all previous proceedings is justified to secure the ends of justice.”*

6. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioner/accused has been charged, are not of grave in nature, as also in view of the law laid down in **Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543** and **Kulwinder Singh and others Vs. State of Punjab 2007(3) RCR (Criminal) 1052**, the present petition for quashing the FIR (supra) is hereby allowed.

7. Resultantly, FIR No.818 dated 29.10.2020, under Sections 323, 324, 34, 341, 506 IPC (Sections 326 and 201 IPC added later on), registered at P.S. Karnal Sadar, District Karnal and all subsequent proceedings arising therefrom, are hereby quashed, on the basis of the compromise (Annexure P-2).

(KULDEEP TIWARI)
JUDGE

04.12.2023
anil

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