

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

271

CRM-M-50830-2023 (O&M)

Date of decision: 19.12.2023

SURENDER AND OTHERS

....Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Saleem Ahmed, Advocate
for the petitioners.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Ms. Sonia Bohat, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0102 dated 11.02.2020 registered at Police Station City Rohtak, District Rohtak under Sections 323, 34, 341, 427, 506 of the IPC (Section 354-A of the IPC added later on) on the basis of compromise dated 04.09.2023 (Annexure P-2) between the parties.

[2] Learned counsel for the petitioners submits that the present FIR was registered at the instance of respondent No.2. As per FIR, vehicle of respondent No.2 was attacked by the petitioners because of a road rage and thereafter, the matter was reported to the concerned police. Later on the matter was compromised between the parties and parties have agreed not to proceed further with the FIR.

[3] On 09.10.2023, the following order was passed by the Co-ordinate Bench of this Court:-

“The present petition has been filed for quashing of FIR No.102 dated 11.02.2020 (Annexure P-1) under Sections 323, 34, 341, 427 and 506 IPC registered at Police Station City

Rohtak, District Rohtak, Haryana, on the basis of compromise (Annexure P-2) entered into between the parties.

Ms. Sonia Bohat, Advocate puts in appearance on behalf of respondent No.2 and files Memorandum of Appearance which is taken on record. Learned counsel for respondent No.2 undertakes to file Power of Attorney within two weeks.

Learned counsel for the petitioners submits that in order to live peacefully, parties have entered into compromise (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

Adjourned to 19.12.2023.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate on 19.10.2023 for recording of their statement with regard to the compromise (Annexure P-2) by moving an appropriate application or by presenting this order. The trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information:

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and*
- 5. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainant as well as accused are party to the compromise in question.*

A copy of the report be sent through fax, to the Registrar (Judicial) of this Court.”

[4] As per the report dated 18.11.2023 of Court of Mr. Aditya Singh Yadav, Civil Judge (Jr. Divn.-cum-JMIC), Rohtak, statements of petitioners and complainant-respondent No.2 have been recorded. No accused has been declared as Proclaimed Offender in this case. He has submitted that the compromise is genuine and voluntary without any force or undue influence. No other person is involved in the present FIR. There is only one victim/complainant and the compromise is supported by her.

[5] Learned counsel appearing on behalf of respondent No.2 has

confirmed the factum of compromise between the parties.

[6] Learned State counsel has not raised any objection regarding the acceptance of the present petition.

[7] Hon'ble the Full Bench of this Court in *Kulwinder Singh and others vs. State of Punjab and others* 2007 (3) RCR (Criminal) 1052, has held that the High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offences and quash the proceeding where the High Court is of the opinion that it is required to prevent the abuse of process of law or otherwise to secure the ends of justice.

[8] Keeping in view the fact that the parties want to bury their dispute and do not want to further drag the litigation, the ends of justice would meet if FIR and consequential proceedings are quashed by accepting the compromise between the parties. Since the compromise is without any coercion and pressure and the allegations in the FIR were not against the society, as such the criminal proceedings deserve to be quashed.

[9] Consequently, the present petition is allowed and FIR No.0102 dated 11.02.2020 registered at Police Station City Rohtak, District Rohtak under Sections 323, 34, 341, 47, 506 of the IPC (Section 354-A of the IPC added later on) and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioners.

[10] All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

19.12.2023

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No