

CRM-M-52080-2023

232 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-52080-2023 (O&M)

Date of Decision: 17.11.2023

RAJ KUMAR

...Petitioner

V/S

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Aditya Jain, Advocate
for the petitioner.

Mr. Madhur Sharma, AAG Punjab.

Mr. Shivjot S. Modgil, Advocate
for respondents No. 2 & 3.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.288 dated 21.10.2017 registered under Sections 323, 452 and 506 of Indian Penal Code at Police Station Lakhan Majra, District Rohtak and all subsequent proceedings arising therefrom in view of the compromise/affidavits dated 19.01.2023 (Annexures P-2 & P-3).

2. The FIR has been registered on the statement of complainant-late Sh. Krishan Kumar, who is husband and father of respondents No.2 & 3 respectively- on the allegations that on 26.02.2017 when the complainant suddenly came to his house, he found one unidentified person in compromising position with his wife and thereafter that person gave beatings to the complainant and threatened to kill him. After some time the complainant came to know that the unidentified person is the petitioner.

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Now the complainant has expired and with the intervention of respectable persons, the matter has been amicably compromised between the petitioner and respondents No. 2 and 3 who are wife and daughter of late Sh. Krishan Kumar-complainant.

3. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report dated 04.11.2023 has been received from Additional Civil Judge (Sr. Divn.)-cum-SDJM, Meham stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

4. Learned Assistant Advocate General, Punjab on instructions from the Investigating Officer and learned counsel for respondents No. 2 & 3 admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. In a decision, based on compromise, none of the parties is a loser. Rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak. A two Judge Bench of the Hon'ble Supreme Court in

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Shakunta Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC**63**, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

7. Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466** and **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No.288 dated 21.10.2017 registered under Sections 323, 452 and 506 of Indian Penal Code at Police Station Lakhna Majra, District Rohtak and all subsequent proceedings arising out of the same are quashed qua the petitioner.

(HARPREET SINGH BRAR)
JUDGE

17.11.2023

Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No