

CRM-M-51679-2023

2023:PHHC:154919

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

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CRM-M-51679-2023

Date of Decision : **December 05, 2023**

GURBAJ SINGH & OTHERS

.....Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Dinesh Maura, Advocate for the petitioners.

Mr. Chetan Sharma, DAG, Haryana.

Mr. G.S.Sandhu, Advocate for respondents No.2 to 4.

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.357 dated 22.8.2023, under Sections 323, 506 of the IPC and Sections 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at P.S. Taraori, District Karnal and all consequential proceedings arising therefrom, on the basis of a compromise (Annexure P-2), as entered into inter se the petitioners and respondents No.2 to 4/complainants.

2. Upon an affirmative response from the learned counsel for respondents No.2 to 4/complainants qua the compromise (Annexure P-2), a Co-ordinate Bench of this Court had, through an order drawn on

13.10.2023, 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 learned Judicial Magistrate 1st Class, 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.485 dated 6.11.2023 has been received from the learned Judicial Magistrate 1st Class, 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.

4. Reply by way of affidavit dated 14.11.2023, of Deputy superintendent of Police, Traffic Karnal, has been filed on behalf of learned State counsel, which is taken on record. Learned State counsel has vehemently, opposed the quashing of the FIR (supra).

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

6. 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.”

7. In the present case the offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, are not compoundable under Section 320 of Cr.P.C. However, in the peculiar

facts and circumstances of this case, the prosecution qua the non-compoundable offences can be closed by quashing the FIR and consequent proceedings. Reliance in this regard can be placed upon the judgment rendered by the Hon'ble Supreme Court in ***Ramawatar Vs. State of Madhya Pradesh, 2021 Crl. L.R. (SC) 1527*** and the judgment rendered by this Court in ***Nardev Singh Mann @ Bobby Mann Vs. State of Punjab and another, 2023 (245) AIC 802.***

8. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioners/accused have 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.

9. Resultantly, FIR No.357 dated 22.8.2023, under Sections 323, 506 of the IPC and Sections 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at P.S. Taraori, District Karnal and all consequential proceedings arising therefrom, on the basis of a compromise (Annexure P-2) is quashed.

(KULDEEP TIWARI)
JUDGE

December 05, 2023
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No