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

**CRM-M-54167-2022(O&M)
Date of Decision: 20.03.2023**

MANJEET CHAHAL AND ORS

....Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Sube S. Kaushik, Advocate
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

Mr. Mandeep Singh Jangu, Advocate
for respondent No.2

HARSH BUNGER, J. (Oral)

This petition has been filed for quashing of FIR No.0301 dated 04.06.2018, under Sections 323, 324, 452, 506 and 120-B read with Section 34 of Indian Penal Code registered at Police Station City Jind, District Jind, Haryana (Annexure P-1) and all the consequent proceedings arising therefrom, on the basis of compromise (Annexure P-2) arrived at between the parties.

Vide order dated 25.01.2023, the Illaqa Magistrate/trial Court was directed to record the statements of the parties with regard to the genuineness and validity of the compromise.

In compliance thereof, the Judicial Magistrate First Class, Jind has submitted its report, vide letter dated 17.02.2023 which indicates that the parties appeared before the Magistrate and got recorded their respective statements with regard to the validity of the compromise. As per the report, the compromise arrived at between the parties is genuine and without any pressure or coercion from any corner. Relevant extract of the said report is reproduced as under:-

“The complainant Ramesh Kumar Khatter and injured Sujal son of Ramesh have stated that they have compromised the matter with accused Manjeet Chahal, Gaurav Naveen, Sumit Sharvan. They have stated that they have entered into compromise without any fear, pressure or greed. They have no objection in quashing the present FIR. They have stated that they have signed the compromise willfully. They do not want to proceed the case further against the accused and they have no objection in quashing the present FIR. The accused Manjeet Chahal, Gaurav, Naveen, Sumit and Sharvan have also appeared and have stated that they have compromised the matter with complainant Ramesh Kumar Khatter and injured Sujal son of Ramesh. They have entered into compromise without any pressure. There is no other accused in the present case except them and no accused is proclaimed offender. They have given the statement without any fear, pressure or greed. They have prayed that the FIR may be quashed.

The notice was issued to IO Yashvir Singh no. 856 who has appeared on 15.02.2023 and has made the statement that he was IO in present case and in the present case the accused involved are Manjeet Chahal, Gaurav, Naveen, Sumit, Sharvan. The complainant is Ramesh Kumar and injured Sujal. No accused has never been declared as Proclaimed offender in the present case and no other case is pending against accused Manjeet Chahal, Gaurav, Naveen, Sumit, Sharvan.

I have also questioned the parties about the voluntariness of their statement. From the statement of the parties including complainant, accused and IO, I am satisfied that the compromise is

genuine, voluntary and without any coercion or undue influence. There are five accused in the present case namely Manjeet Chahal, Gaurav, Naveen, Sumit, Sharvan. The challan has been filed against all the accused. The case is at the stage of prosecution evidence. As per statement of IO, no other case is pending against accused Manjeet Chahal, Gaurav, Naveen, Sumit, Sharvan and none of them is proclaimed offender. All the accused have signed the compromise. The complainant in the present case is Ramesh Kumar and injured is Sujal, Both have appeared before the court and have given the statement. I am satisfied that the compromise is not result of any fraud or misrepresentation and it is the result of free will of the parties. The statements of the complainant, accused and the IO recorded on 14.02.2023 and 15.02.2023 are attached alongwith report as desired. ”.

A perusal of the said report would show that statements of all the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise was entered into voluntarily and without any pressure.

Learned State counsel does not raise any serious dispute regarding quashing of aforesaid FIR in question.

Learned counsel for respondent No.2 has reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the parties.

I have heard the learned counsel for the parties and have perused the file.

In the light of the judgments rendered by the Hon'ble Apex Court in the cases of ***Shakuntala Sawhney Vs. Kaushalya Sawhney, (1979) 3 SCR 639*** and ***Gian Singh Versus State of Punjab and another. 2012(4) RCR (Criminal) 543*** and considering the entire facts, compromise,

the statements of the parties recorded before the Judicial Magistrate First Class, Jind and also the report dated 17.02.2023 submitted by Judicial Magistrate First Class, Jind since the parties have arrived at a compromise by amicably settling their disputes and have decided to live in peace, no useful purpose will be served in allowing the criminal proceedings to continue.

Further, in the light of the above mentioned judicial precedents, when the parties have entered into a compromise, then continuation of the proceedings would be mere an abuse of process of the Court.

In order to prevent unnecessary continuation of criminal proceedings on the ground that there are bleak chances of conviction in the case, I am of the considered view that it would be in fitness of things to quash the proceedings on the basis of compromise and by quashing the FIR while accepting the prayer of the petitioners, would be securing the ends of justice.

Accordingly, this petition is allowed. FIR No.0301 dated 04.06.2018, under Sections 323, 324, 452, 506 and 120-B read with Section 34 of Indian Penal Code registered at Police Station City Jind, District Jind, Haryana (Annexure P-1) and all the consequent proceedings arising therefrom, are quashed qua the petitioner. However, the same would be subject to payment of costs of Rs.10,000/- to be deposited by the petitioner with the **“Poor Patients' Welfare Fund, PGIMER, Chandigarh”** and the said amount would be spent for the treatment of poor patients within the knowledge of its Medical Superintendent.

Needless to say that parties shall remain bound by the terms of compromise and their statements made in the Court below.

Disposed of in the aforesaid terms.

All pending application(s), if any, shall stand disposed of.

20.03.2023

Amandeep

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No