

CRM-M-58724-2022

Date of decision: 22.02.2023

INDERPAL SINGH @ INDERPAL CHAWLA

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gurdeepinder Singh Dhillon, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Jatin Bansal, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.120 dated 05.05.2014 under Sections 279/323/337/427 IPC, registered at Police Station Sector 17/18, Gurugram, Haryana and all the consequential proceedings arising therefrom, on the basis of compromise.

On 19.12.2022, parties were directed to appear before the Trial Court/Illaq Magistrate and get their statements recorded with regard to the compromise arrived at between them.

The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness and voluntary nature of the compromise.

In compliance of the order dated 19.12.2022, learned Judicial Magistrate 1st Class, Gurugram has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1. The complainant had arrayed only one person as accused in the FIR. Final Report/Challan was filed

against accused Inderpal Singh. He has appeared in the Court and made statement.

2. *None of the accused is absconding or has been declared proclaimed person/offender in this case.*

3. *In the above matter both the parties appeared. The complainant and accused suffered separate statements that a voluntary compromise has been arrived amongst the parties. The complainant stated that he has no objection if FIR against the accused is quashed. Simultaneously, accused suffered a statement and prayed for quashing of FIR. Upon perusal of the statements recorded in court on behalf of both the parties, this court is on considered and confirmed view that compromise stated to be effected between the parties is genuine, voluntary and out of free will, without any pressure or influence from any side.*

4. *As per the investigating officer, the accused is not involved in any other FIR.*

5. *The investigating officer has suffered a statement to the effect that Vijay Godara is the only complainant in the present FIR.”*

Learned counsel for the petitioner contends that the allegations are to the effect that the car being driven by the petitioner struck with the car being driven by respondent No.2. There are also allegations to the effect that thereafter, the petitioner had inflicted fist blows on the person of respondent No.2. The dispute has been amicably settled between the parties in terms of compromise deed dated 17.09.2019 (Annexure P-2). Respondent No.2 has not suffered any disability much less permanent disability in the occurrence and the amicable settlement will help in maintaining cordial relations between them in future.

Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so

out of the Court, by way of compromise. The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the private dispute has been sought to be amicably settled. Consequently, a deserving case is made out where the court should exercise the power to secure the ends of justice.

For the aforesaid view, this Court finds support from ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, upheld by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.120 dated 05.05.2014 under Sections 279/323/337/427 IPC, registered at Police Station Sector 17/18, Gurugram, Haryana and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

22.02.2023

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No