

291 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-56407-2023

DATE OF DECISION:-06.12.2023

Abhimanyu Barala @ Meenu Barala and anr.

...Petitioners.

vs.

State of Haryana and others

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Mohit, Advocate for the petitioners.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. Vinod Polist, Advocate for respondents No.2 and 3.

Mr. Vinod Kumar, Advocate for respondent No.3.

HARKESH MANUJA, J.

1. By way of present petition under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.108 dated 07.05.2023, under Sections 379-A, 365, 452, 506, 34 IPC, registered at Police Station Sadar Tohana, District Fatehabad (Haryana), final report under Section 173 Cr.P.C. submitted for offences under Sections 379-B, 452, 506, 365 and 34 IPC and all other subsequent proceedings arising therefrom on the basis of compromise deed (Annexure P-2) and affidavits (Annexures P-3 and P-4).

2. As per the allegations levelled in the FIR, the petitioners along with other co-accused entered the factory of the complainant and extended threats to him as well as to respondent No.3(victim-eyewitness). Though, as per FIR, there were total eight accused, however, only two accused (present petitioners) have filed the present petition, whereas, remaining 06 accused filed separate petition bearing CRM-M-59194-2023, praying for

similar/identical relief.

3. In pursuance of order dated 08.11.2023 passed by this Court, whereby the parties were directed to appear before the Trial Court for getting their statements recorded as regards the veracity of compromise arrived at between them, a report dated 23.11.2023 has been received from the concerned court, stating that the compromise has been arrived at between complainant-Arun Kumar and victim-eye-witness Ramesh Kumar @ Lalu with the present petitioners (Gurmit and Abhimanyu Barala @ Meenu Barala) and the said compromise is voluntary and without any pressure. None of the petitioners-accused have been declared as proclaimed offender.

4. Once, the compromise has been arrived at between the parties without any pressure and respondents No.2 and 3 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; there does not appear to be any impediment as regards quashing of present FIR qua the petitioners. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

5. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the Trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of***

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Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.

6. Further, learned counsel for the petitioners, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ***Jayrajsingh Digvijaysinh Rana Vs. State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589*** and this Court in ***Joginder Singh & another Vs. State of Punjab and another***, passed in CRM-M-23739- 2010 decided on 27.04.2011, ***Rajinder Singh Vs. State of Punjab & another***, passed in CRM-M- 37395-2016 decided on 16.05.2017 and ***Vimal Kalra & others Vs. State of Punjab & another***, passed in CRMM-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

7. Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No.108 dated 07.05.2023, under Sections 379-A, 365, 452, 506, 34 IPC, registered at Police Station Sadar Tohana, District Fatehabad (Haryana), final report under Section 173 Cr.P.C. submitted for offences under Sections 379-B, 452, 506, 365 and 34 IPC as well as all the subsequent proceedings arising therefrom are hereby quashed qua the present petitioners.

8. Accordingly, petition stands allowed subject to payment of costs of Rs.5,000/- to be deposited by the petitioners with the Punjab and Haryana High Court Bar Association, within a period of two weeks from the date of receipt of certified copy of this order.

06.12.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No