

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-2780-2024
Date of Decision : May 02, 2024

VIKAS KUMAR -PETITIONER

V/S

STATE OF HARYANA AND ANOTHER -RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. B.S. Beniwal, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, A.A.G., Haryana.

Ms. Suman Beniwal, Advocate
for the respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as cast under Section 482 of the Cr.P.C., the petitioner craves for the hereinafter extracted relief(s):-

“Quashing of the FIR No.643 dated 02.12.2023 (Annexure P1), under Sections 323 of the IPC, 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015, and, 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015), registered at P.S. Sadar Fatehabad, District Fatehabad, along with all consequential proceedings arising therefrom, on the basis of compromise deed dated 25.12.2023 (Annexure P2).”

2. Upon an affirmative response from the learned counsel for the respondent No.2 *qua* the compromise (Annexure P2), a Co-ordinate Bench of this Court had, through drawing an order on 19.01.2024 upon the instant petition, directed the parties to appear before the trial Court/Illaq Magistrate concerned, for getting their respective statements recorded *qua*

authenticity of the compromise (Annexure P2). Moreover, the trial Court/Illaqa 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 Additional Chief Judicial Magistrate, Fatehabad and got their respective statements recorded, thereby authenticating the compromise (Annexure P2). Accordingly, in compliance of the directions (supra) of this Court, a Report has been received from the Additional Chief Judicial Magistrate, Fatehabad, wherein, a satisfaction has been recorded by the learned Magistrate concerned *qua* the compromise (supra) being drawn in a genuine and voluntary manner, without any coercion or undue influence.

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

5. A Co-ordinate Bench of this Court, in **CRM-M-48133-2022 (O&M)**, titled as **“Nardev Singh Mann @ Bobby Mann V/s State of Punjab and another”**, **Decided on: 24.02.2023**, while granting a similar relief, as craved in the instant petition, i.e. quashing of an FIR registered under the provisions of the SC/ST Act, on the basis of compromise, has observed as under:-

“5. Despite the severe opposition of the State’s counsel to this compromise, 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 aggrieved person has willingly consented to the nullification of criminal proceedings;

d) There is no objection from the private respondent 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 FIR and all consequential proceedings is justified to secure the ends of justice.”

6. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioner/accused has 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**.

7. Resultantly, FIR No.643 dated 02.12.2023 (Annexure P1), under Sections 323 of the IPC, 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015, and, 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015), registered at P.S. Sadar Fatehabad, District Fatehabad, along with all consequential proceedings arising therefrom, is hereby **quashed** on the basis of compromise deed dated 25.12.2023 (Annexure P2), subject to cost of Rs.5,000/- being forthwith deposited by the petitioners with the District Legal Services Authority concerned.

May 02, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No