

CRM-M-14759-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-14759-2024

Date of decision : 05.08.2024

Kapil Dev Sharma @ Rinku

..... Petitioner

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Lalit Kumar Yadav, Advocate for petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

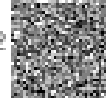
Mr. S.K.Tripathi, Advocate for

Mr. Badal Malik, Advocate for respondent No.2.

AMARJOT BHATTI J.

1. Petitioner – Kapil Dev Sharma @ Rinku has filed instant petition under Section 482 of Cr.P.C. for quashing of FIR No.593 dated 11.11.2021 under Sections 323, 325, 506 of IPC and Section 3(2) (Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015), registered at Police Station Bhiwani City, District Bhiwani (Annexure P-1) and all other subsequent proceedings on the basis of compromise between parties dated 10.02.2024 (Annexure P-2).

2. Facts of the case are Prem Chand complainant gave his statement to the police that on 04.11.2021 at about 5:30 PM he was going to buy vegetables. He reached street near Hanuman temple where son of Subhash Sharma was coming from the opposite direction and while passing, his hand touched him. Due to this reason, he started abusing him and gave kick blow as a result he fell down. He used derogatory words naming caste like *Harijan* etc. and further threatened to kill him.



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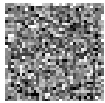
Thereafter, he ran away from there. With these allegations present FIR has been registered.

3. Petitioner filed this petition for quashing of aforesaid FIR on the basis of compromise. Petitioner and respondent No.2 were directed to appear before the trial Court/Illaq Magistrate for recording their statements on the basis of compromise. Detailed report regarding compromise has been received from the court of Additional District and Sessions Judge, Bhiwani dated 07.06.2024. Statement of respondent No.2 has been recorded, where he confirmed the compromise with petitioner. He confirmed that this compromise has been effected without any pressure, coercion or undue influence from any side and he has no objection regarding quashing of FIR.

4. Petitioner – Kapil Dev Sharma @ Rinku also confirmed this fact in his separate statement. Statement of ASI Manju is also recorded who further confirmed that accused has not been declared as proclaimed offender.

5. Therefore, from the report of Additional District and Sessions Judge, Bhiwani, it is clear that compromise has been effected between parties without any pressure, coercion or undue influence, which is acceptable to both the parties. Gainful reference can be made to the authority of Hon'ble Apex Court in ***“Ramawatar v. State of M.P.” (2022) 13 Supreme Court Cases 635***, para No.17 which runs as under:-

“Where it appears to the Court that the offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an



abuse of the process of law, the Court can exercise its powers to quash the proceedings. On Similar lines, when considering a prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that the offence is covered under a “special statute” would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482 Cr.P.C.”

6. In the case in hand both parties have mutually settled all their disputes. They are residents of same colony. It would enable them to live in peace and harmony and end all litigation started between them. Thus no purpose would be served with the continuation of criminal proceedings.

7. Therefore considering these facts, petition filed by petitioner is accepted and FIR No.593 dated 11.11.2021 under Sections 323, 325, 506 of IPC and Section 3(2) (Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015), registered at Police Station Bhiwani City, District Bhiwani (Annexure P-1) and all other subsequent proceedings arising therefrom are quashed.

8. Accordingly, present petition stands accepted.

9. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(AMARJOT BHATTI)
JUDGE

05.08.2024.
Sunil Devi

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