

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123 CRM-M-15252-2022
Date of Decision : March 14, 2024

DHARMENDER AND ORS -PETITIONERS

V/S

STATE OF HARYANA AND OTHERS -RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Baljeet Beniwal, Advocate
for the petitioners.

Mr. Bhupender Singh, D.A.G., Haryana.

Mr. Gurdeep Singh Nehra, Advocate
for the respondents No.2 to 4.

KULDEEP TIWARI, J. (ORAL)

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

“Quash FIR No.382 dated 21.07.2014 (Annexure P1), under Sections 323, 324, 506 read with Section 34 of the IPC (Section 506 of the IPC deleted subsequently, and, Section 326 of the IPC added), registered at P.S. Hodal, District Palwal, and, set aside the judgment dated 07.11.2019 (Annexure P2), along with all the consequential proceedings arising therefrom, on the basis of compromise/affidavits (Annexures P3 to P5).”

2. Upon an affirmative response from the learned counsel for the respondents No.2 to 4 *qua* compromise, this Court had, through an order drawn on 13.12.2023, 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.

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 District and Sessions Judge, Palwal and got their respective statements recorded, thereby authenticating the compromise. Accordingly, in compliance of the directions (supra) of this Court, a Report has been received from the Additional District and Sessions Judge, Palwal, wherein, a satisfaction has been recorded *qua* the compromise 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-25669-2020 (O&M)**, titled “**Abhishek Singh & others V/s State of Punjab & others**”, **Pronounced on: 07.04.2022**, while granting a similar relief, as craved in the instant petition, has observed as under:-

“9. 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 victim has willingly consented to the nullification of criminal proceedings;

d) There is no objection from the private respondents 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 the conviction, sentence and all previous proceedings is justified to secure the ends of justice.”

6. In the light of the hereinabove recorded aspects, 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 and setting aside the judgment (supra) is hereby **allowed**.

7. Resultantly, FIR No.382 dated 21.07.2014 (Annexure P1), under Sections 323, 324, 506 read with Section 34 of the IPC (Section 506 of the IPC deleted subsequently, and, Section 326 of the IPC added), registered at P.S. Hodal, District Palwal is hereby quashed, and, the judgment dated 07.11.2019 (Annexure P2), along with all the consequential proceedings arising therefrom, is also set aside, on the basis of compromise/affidavits (Annexures P3 to P5), subject to cost of Rs.5,000/- being forthwith deposited by the petitioners with the District Legal Services Authority concerned.

March 14, 2024
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(KULDEEP TIWARI)
JUDGE

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