IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

287 **CRM-M-14841-2024**
Date of Decision : **May 16, 2024**

RAMOD KUMAR SINGH

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Manoj Kumar, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

Mr. Raghav Puggal, Advocate
for respondents No.2 and 3.

KULDEEP TIWARI, J. (Oral)

1. The instant petition, as cast under Section 482 of the Cr.P.C., proffers the hereinafter extracted relief, as craved by the petitioner, inasmuch as, quashing of the FIR No.0503 dated 19.11.2023, under Sections 279, 337 of IPC and Section 338 of IPC added lateron, registered at Police Station Chandimandir, District Panchkula and all further proceedings arising therefrom, on the basis of a compromise deed dated 22.2.2024 (Annexure P-2), as entered into *inter se* the petitioner and respondents No.2 and 3/complainants.

2. Upon an affirmative response from the learned counsel for respondents No.2 and 3/complainants *qua* the compromise (Annexure P-2), this Court had, through orders drawn on 21.3.2024 and 8.5.2024,

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upon the instant petition, besides issuing notice, directed the parties to appear before the learned trial Court/Illaqa Magistrate concerned, for getting their respective statements recorded *qua* authenticity of the compromise (Annexure P-2). 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 learned Addl. Chief Judicial Magistrate, Panchkula and got their respective statements recorded, thereby authenticating the compromise (Annexure P-2). Accordingly, in compliance of the directions (supra) of this Court, a Report bearing No.830 dated 14.5.2024 has received from the learned Addl. Chief Judicial Magistrate, Panchkula, wherein, a satisfaction has been recorded by the Magistrate concerned *qua* the compromise (supra) being drawn in a genuine and voluntary and without any pressure or coercion and out of free will of the parties and has further informed that costs of Rs.5,000/- stands deposited.

4. This Court 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*

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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."

7. 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***

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(Criminal) 543 and ***Kulwinder Singh, 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.0503 dated 19.11.2023, under Sections 279, 337 of IPC and Section 338 of IPC added lateron, registered at Police Station Chandimandir, District Panchkula and all further proceedings arising therefrom, are, hereby, **quashed** on the basis of a compromise dated 22.2.2024 (Annexure P-2), subject to payment of ₹5,000/- to be deposited with the District Legal Services Authority concerned.

(KULDEEP TIWARI)
JUDGE

May 16, 2024
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No

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