

2024:PHHC:081218



252.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15756 of 2024
Date of decision: 01.07.2024

Rohit and others Petitioners

Versus

State of Haryana and another Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Lalit Kumar Narang, Advocate, for the petitioners.
Mr. Gurmeet Singh, AAG, Haryana, for respondent No.1.
Mr. Amit Khari, Advocate, for respondent No.2.

GURBIR SINGH, J. (Oral)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0703, dated 18.10.2018, under Sections 323, 342, 506, 34 of IPC, registered at Police Station Meham, District Rohtak (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise dated 16.03.2024 (Annexure P-2), effected between the parties.
2. This Court, vide order dated 01.04.2024, had directed the parties to appear before the Illaqa Magistrate/trial Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

3. In compliance thereof, report dated 06.05.2024 from learned Additional Civil Judge (Senior Division)-cum-SDJM, Meham, has been received through the District & Sessions Judge, Rohtak, with statements of the parties, in which, it has been mentioned that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

4. Respondent No.2-complainant, namely, Krishan had made his statement with regard to the compromise before learned Magistrate on 01.05.2024. The same is reproduced as under:-

“I stated that I have amicably settled the dispute with the accused persons amicably with the intervention of respectable of the society and all of us are close relative and settled the matter to maintain and peace and harmony. I am also accused in three other FIR's No. 706/18, 705/18 and 186/2020 of P.S Meham Rohtak but I am not P.O in any other case nor is previous convict in any other case. I have no objection in the present FIR No. 703-2018 under Section 432/342/506/34 IPC P.S Meham lodged by me against the accused persons be quashed as no fruitful purpose will be served to continue present case.

I also stated that there is no other accused except the accused persons namely Rohit, Anita, Santosh and Jai Bhagwan (already deceased) in the present case. I also stated that I am the only complainant in the present case.”

5. Learned counsel for respondent No.2 has been disputed the factum of compromise.

6. Learned counsel has filed reply by way of affidavit dated 20.06.2024 of Sandeep Kumar, H.P.S., Deputy Superintendent of Police, Meham, District Rohtak, on behalf of respondent No.1-State of Haryana, in Court today, which is taken on record. As per the reply, except petitioner No.1-Rohit, there is no other case against the other petitioners. The petitioners, in the present case, have not been declared proclaimed offenders. There are total 10 witnesses in this case and no witness has been examined so far and now the case is fixed for 02.07.2024 for prosecution evidence.

7. Considering the fact that complainant-respondent No.2, namely, Krishan had made a statement before learned Additional Civil Judge (Senior Division)-cum-SDJM, Meham, on 01.05.2024 that he has no objection if the present FIR is quashed against the petitioners, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

8. The powers under Section 482 Cr.P.C. can be exercised in such like situation in order to prevent unnecessary vagaries of criminal trial to be faced by the parties, when there are remote chances of conviction of the accused. The compromise, in question, is found to be fully in consonance with the direction issued by the Court in “**Kulwinder Singh and others vs. State of Punjab and another**”, 2007(3) RCR (Criminal) 1052 and “**Gian Singh vs. State of Punjab and another**”, 2012 (4) RCR (Criminal) 543.

9. In view of the aforesaid report of learned Additional Civil Judge (Senior Division)-cum-SDJM, Meham accompanied by the statements of both the parties, the instant petition is allowed. Consequently, the impugned FIR No.0703, dated 18.10.2018, under Sections 323, 342, 506, 34 of IPC, registered at Police Station Meham, District Rohtak (Annexure P-1) and all consequential proceedings arising therefrom are hereby quashed, on the basis of compromise dated 16.03.2024 (Annexure P-2), *qua* the petitioners only.

(GURBIR SINGH)
JUDGE

July 01, 2024
sanjeev

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No