

MOHAN AND ORS

Versus

STATE OF HARYANA AND ANR.

.....Petitioners

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Anshumaan Dalal, Advocate for the petitioners.
Mr. Gurmeet Singh, AAG, Haryana.
Mr. Amit Kumar, Advocate for
Mr. Mohan Singla, Advocate for respondent No.2.

HARKESH MANUJA, J. (ORAL)

By way of this petition filed under Section 482 Cr.P.C. the petitioners pray for quashing of case bearing FIR No.267 dated 30.08.2012 registered under Sections 323, 324, 285, 506, 326 and 34 of IPC & Section 27 of Arms Act, at P.S. Rai, Sonapat along with all consequential proceedings arising out of the same on the basis of compromise dated 19.08.2022.

2. As per allegations levelled in the FIR, the petitioners fired a gun shot on the complainant-respondent No.2 and attacked him with a knife. Though, in the present case, weapon of offence is knife, however, as per the opinion given by the Doctor, Government Hospital Sonapat on 06.10.2012, injuries No.1 and 2 have been declared as simple in nature and the parties to the dispute belong to the same village.

3. This Court while issuing notice of motion vide order dated 12.02.2024 directed the parties to appear before trial Court for getting their statements recorded as regards the veracity of the compromise arrived at between them.

4. In pursuance to the order dated 12.02.2024, a report dated 04.03.2024 has been received from the concerned Court, stating that the compromise in the present case is genuine and voluntary.

5. Learned counsel for the petitioners submits that once, a compromise has been arrived at between the parties without any pressure and respondent No.2 has no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; the dispute purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR. He also submits that even, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

6. On the other hand, learned State counsel submits that allegations in the present FIR are of serious nature and he opposes the prayer made in the petition.

7. I have heard learned counsel for the parties and gone through the records including the report dated 04.03.2024. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the directions issued by this Court in ***Kulwinder Singh & Ors. Vs.***

State of Punjab 2007(3) RCR(Criminal) 1052 and Gian Singh Vs.State of Punjab & Anr., 2012(4) RCR (Crl.) 543”.

8. Thus, in view of the aforesaid report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the petition is allowed and FIR No. 267 dated 30.08.2012 registered under Sections 323, 324, 285, 506, 326 and 34 of IPC & Section 27 of Arms Act, at P.S. Rai, Sonapat along with all consequential proceeding arising therefrom, are hereby quashed.

9. The aforesaid order shall, however, be subject to payment of Costs of Rs.20,000/- to be deposited with Poor Patients’ Welfare Fund, PGIMER, Chandigarh, within a period of two weeks from today.

15.04.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

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