



290

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-19474-2024

Date of decision : May 22, 2024

ASHOK KUMAR AND OTHERS

....PETITIONERS

Versus

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Aditya Singh, Advocate
for the petitioners.

Mr. Abhinash Jain, DAG, Haryana.

Mr. G.S. Madaan, Advocate
for respondents No. 2 and 4.

Mr. Manmeet Singh, Advocate
for respondents No. 3 and 5.

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 petitioners, inasmuch as, quashing of the FIR No.42 dated 27.02.2017 under Sections 147, 148, 149, 323, 341, 427 and 506 of the IPC, registered at P.S. Mandi Dabwali, District Sirsa, Haryana and all the subsequent proceedings arising therefrom, on the basis of a compromise dated 09.04.2024 (Annexure P-3), as entered into *inter se* the petitioners and respondents No.2 to 5/complainants.
2. Upon an affirmative response from the learned counsel for respondents No.2 to 5/complainants *qua* the compromise (Annexure P-3), this Court had, through an order drawn on 25.04.2024, 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-3). 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 Judicial Magistrate 1st Class Hisar, 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.7705 dated 17.05.2024 has been received from the learned Judicial Magistrate 1st Class Hisar, 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.

4. Though in the FIR, it is mentioned that a total of seven accused are involved in the present matter, but during the investigation, two accused were found innocent, and the challan was presented only against five accused/petitioners.

5. This Court have heard counsel for the parties and gone through the case file.

6. 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.”*

7. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioners/accused have(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 (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.

8. Resultantly, FIR No.42 dated 27.02.2017 under Sections 147, 148, 149, 323, 341, 427 and 506 of the IPC, registered at P.S. Mandi Dabwali, District Sirsa, Haryana and all the subsequent proceedings arising therefrom, are, hereby, **quashed** on the basis of a compromise dated 09.04.2024 (Annexure P-3), subject to payment of Rs.5,000/- to be deposited with the District Legal Services Authority concerned.

May 22, 2024
monika

(KULDEEP TIWARI)
JUDGE

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