

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

262

CRM-M-31587-2021

Date of Decision : February 14, 2024

SHARVAN AND OTHERS

.....Petitioners

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rajesh Lamba, Advocate
for the petitioners.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Vinod Kumar, Advocate for
Mr. Parminder Singh, Advocate,
for respondent No.2.

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.291, dated 01.07.2020, under Sections 148/149/447/506/511 of IPC, and under Section 25 of the Arms Act, registered at Police Station Gharaunda, District Karnal, and all consequent proceedings arising therefrom, on the basis of a compromise dated 14.06.2021 (Annexure P-2), as entered into *inter se* the petitioners and respondent No.2/complainant.

2. Learned counsel for the petitioner submits that though Section 307 IPC, and Section 25 of the Arms Act, were deleted lateron from the FIR, while submitting final report, and Section 285 IPC and

Section 27 of the Arms Act, were added later on (as per the reply dated 13.01.2023 filed by the State), yet he could not mention the said fact in the head note and prayer clause of the petition. On his oral request, Registry is directed to make necessary corrections in the head note and prayer clause accordingly.

3. Upon an affirmative response from the learned counsel for respondent No.2 *qua* the compromise (Annexure P-2), a co-ordinate Bench of this Court, through an order drawn on dated 06.08.2021, upon the instant petition, besides issuing notice, directed the parties to appear before the learned trial Court/Illaq Magistrate concerned, for getting their respective statements recorded *qua* authenticity of the compromise (Annexure P-2). Moreover, the learned trial Court/*Illaq* Magistrate concerned was also directed to send a report in the above regard.

4. Consequent to the making of the directions (*supra*), the parties appeared before the learned Judicial Magistrate 1st Class, Karnal, 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.344, dated 12.10.2021, has been received from the learned Judicial Magistrate 1st Class, Karnal, 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.

5. I have heard counsel for the parties and gone through the

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 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.291, dated 01.07.2020, under Sections 148/149/307/447/506/511 of IPC (Section 307 IPC deleted and Section 285 IPC added later on) and Section 25 of the Arms Act (with Section 25 deleted and Section 27 of the Act added later on), registered at Police Station Gharaunda, District Karnal, and all consequent proceedings arising therefrom, on the basis of a compromise (Annexure P-2) is quashed.

February 14, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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