

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-36619-2023 (O&M)
Date of Decision: 15.02.2024**

Harvinder Petitioner

Versus

State of Haryana and another Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Baljeet Beniwal, Advocate,
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Ms. Gursimran Walia, Advocate
for respondent No.2.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 482 Cr.P.C., seeks quashing of FIR No. 521 dated 07.11.2022 (Annexure P-1) under Sections 148, 149, 285, 323, 379-B, 384 & 506 of IPC, 1860 and Section 25 of Arms Act, 1959, registered at Police Station Hodal, District Palwaland, all consequential proceedings arising out of the same on the basis of compromise dated 05.06.2023 (Annexure P-2).

[2] This Court while issuing notice of motion vide order dated 31.07.2023, directed the parties to appear before the Trial Court/Illaqqa Magistrate for recording their statements with regard to the validity of compromise.

[3] In pursuance of above order dated 31.07.2023, a report dated 08.09.2023 has been received from the concerned Court, stating that the stating that the compromise is genuine, voluntary and without any coercion or undue influence. No accused has been declared as proclaimed offender.

[4] Once, the compromise has been arrived at between the parties without any pressure and respondent No.2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; there does not appear to be any impediment as regards quashing of present FIR *qua* the petitioner. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the present 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.

[5] 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 direction issued by the Court in the case(s) of ***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.***

[6] Further, learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in the case of ***Jayrajsingh Digvijaysinh Rana Versus State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589*** and this Court in the case(s) of ***Joginder Singh & another Versus State of Punjab and another***, passed in ***CRM-M No.23739 of 2010*** decided on 27.04.2011, ***Rajinder Singh Versus State of Punjab & another***, passed in ***CRM-M No.37395 of 2016*** decided on

16.05.2017 and *Vimal Kalra & others Versus State of Punjab & another*, passed in *CRM-M No.20355 of 2022*, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

[7] Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR (supra) as well as all subsequent proceedings arising therefrom are hereby quashed *qua* the petitioner.

[8] Considering the facts and circumstances of the present case, the petitioner is directed to provide a community service at the same toll plaza i.e. (Toll Plaza) Karman, NH-19 near Hodal, District Palwal, for a period of two days i.e. 19.02.2024 and 20.02.2024 from 8.00 a.m. morning till 6.00 p.m. in the evening. The said community service should be in the shape of providing tea along with the biscuits to the people passing through the said toll plaza.

[9] The SHO, Police Station Hodal, is requested to either visit personally or depute some of his officer to visit the said toll plaza on the aforementioned dates so as to verify the factum of community service provided by the petitioner and to submit its report in this regard, thereafter.

[10] Accordingly, petition stands **allowed**, however, subject to payment of costs of Rs. 5,000/- to be deposited by the petitioner in the Poor Patients' Welfare Fund, PGIMER, Chandigarh, within a period of two weeks from today.

February 15, 2024

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(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No