

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38668-2023

Date of Decision: January 09, 2024

VIKRAM AND OTHERSPetitioners
Versus
STATE OF HARYANA AND OTHERSRespondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sukhdeep Singh, Advocate for the petitioners.
Mr. Rajiv Sidhu, DAG, Haryana.
Mr. Karanveer Singh, Advocate for respondents No.2 and 3.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition under Section 482 Cr.P.C. the petitioners pray for quashing FIR No.0529, dated 16.05.2018 registered under Sections 148, 149, 323, 427, 452, 285 & 506 IPC and Sections 25, 54 and 59 of Arms Act at Police Station Karnal Sadar, District Karnal along with all consequential proceedings arising out of the same on the basis of the compromise/affidavit dated 29.07.2023 (Annexure P-2).
2. As per the allegations levelled in the FIR, the petitioners, armed with weapons, forcibly entered the house of the complainants-respondents No.2 and 3 and attacked them besides demolishing the articles kept in the house. Though, as per FIR, there were six accused, however, only three have approached this Court.
3. In pursuance to an Order dated 09.08.2023 passed by this Court whereby, the parties were directed to appear before trial Court for getting their statements recorded as regards the veracity of the compromise arrived at between them, report dated 29.09.2023 has

been received from the concerned Court, stating that the compromise in the present case is valid, genuine, voluntary and without any coercion or undue influence.

4. Thus once, the compromise has been arrived at between the parties without any pressure and respondent No.2 has no objection as regard 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, in part, qua the petitioners. 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 in question, qua the petitioners, 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. Though, in the present case provisions of Arms Act have been invoked in the FIR, however, there is no fire-arm injury. 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 ***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 petitioners, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in ‘Jayrajsingh Digvijaysinh Rana Vs. State of Gujarat and Another’, 2012(4) R.C.R. (Criminal) 589 and this Court in ‘Joginder Singh & Another Vs. State of Punjab and Another’, passed in CRM-M-23739-2010 decided on 27.04.2011, ‘Rajinder Singh Vs. State of Punjab & Another’, passed in CRM-M- 37395-2016 decided on 16.05.2017 and ‘Vimal Kalra & others Vs. State of Punjab & another’, passed in CRM-M-20355-2022, 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 report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No.0529, dated 16.05.2018 registered under Sections 148, 149, 323, 427, 452, 285 & 506 IPC and Sections 25, 54 and 59 of Arms Act at Police Station Karnal Sadar, District Karnal along with all consequential proceedings arising therefrom, are hereby quashed qua the petitioners.

8. The aforesaid order shall, however, be subject to payment of Costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Association Lawyer’s Family Welfare Fund having account No. 41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

09.01.2024
tejwinder

(HARKESH MANUJA)
JUDGE

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