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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-56554-2023

Date of Decision:- 05.02.2024

Paramjit Singh and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Salil Sabhlok, Advocate
for the petitioners.
Mr. Abhinash Jain, DAG, Haryana.
Mr. Abhishek Singh, Advocate for respondents No.2 and 3.

Kuldeep Tiwari, J. (Oral)

1. The instant petition filed under Section 482 of the Cr.P.C., proffers the hereinafter extracted relief, as craved by the petitioner, inasmuch as, quashing of the FIR No.97 dated 25.08.2021 under Sections 342, 392, 394, 307 read with Section 34 IPC, and under Section 27 of the Arms Act, registered at General Railway Police Station, Hisar, [post pronouncement of verdict of convictions by the trial court *qua* the petitioner, whereby the petitioners have been convicted for the offence punishable under Section 323/379 IPC vide order dated 12.12.2013.] Having aggrieved with the judgment of conviction and order of sentence, the petitioner preferred appeal before this Court, which was admitted, and their sentence were ordered to be suspended during the pendency of the appeal vide order dated 04.07.2021. The instant prayer for quashing of FIR, is solely on the ground that a compromise was effected between the parties. It is also transpired that the petitioners have not been convicted for the offence under Section 307, 392 and 394 IPC, whereas, they have been convicted for the offence under Sections 323, 379 IPC, by the learned trial court concerned.

3. In the present case, FIR under Sections under Sections 342, 392, 394, 307 read with Section 34 IPC, and under Section 27 of the Arms Act.

4. Upon an affirmative response from the learned counsel for the respondent **No.2 and 3** *qua* the compromise, **this Court had**, through an order drawn on 30.11.2023, upon the instant petition, directed the parties to appear before the learned trial Court/Illaq Magistrate concerned, for getting their respective statements recorded *qua* authenticity of the compromise dated 01.08.2023 (Annexure P-5). Moreover, the learned trial Court/Illaq Magistrate concerned was also directed to send a report in the above regard.

5. Consequent to the making of the directions (*supra*), the parties appeared before the 11.01.2024 and got their respective statements recorded, thereby authenticating the compromise dated 01.08.2023 (Annexure P-5). Accordingly, in compliance of the directions (*supra*) of this Court, a Report bearing No.259 dated 09.01.2024 has been received from the JMIC, Tohana, wherein, a satisfaction has been recorded by him *qua* the compromise (*supra*) being drawn in a genuine and voluntary manner, without any coercion or undue influence.

6. I have heard counsel for the parties and gone through the case file.

7. 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.”*

8. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioner/accused **has/have** been charged, are not 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 and others Vs. State of Punjab 2007(3) RCR (Criminal) 1052***, the present petition for quashing the FIR (supra) is hereby allowed.

9. Resultantly, FIR No.97 dated 25.08.2021 under Sections 342, 392, 394, 307 read with Section 34 IPC, and under Section 27 of the Arms Act, registered at General Railway Police Station, Hisar, along with all the consequential proceedings arising therefrom, are hereby quashed on the basis of a compromise dated 01.08.2023 (Annexure P-5) as entered into *inter se* the

petitioners and the respondent No.2 and 3, subject to the payment of costs of Rs.5,000/- by each of the petitioners, to be forthwith deposited in the District Legal Services Authority concerned.

05.02.2024
sd

(KULDEEP TIWARI)
JUDGE

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