

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-45444-2023 (O&M)
Date of decision: 07.02.2024

JOGENDER @ JOLLI AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Rahul Makkar, Advocate
for the petitioners.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Vikas Kumar, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.307 dated 12.12.2020 registered at Police Station Sadar Bahadurgarh, District Jhajjar under Sections 323, 34, 341, 354-B, 506 of the IPC on the basis of compromise deed dated 16.08.2023 (Annexure P-2) between the parties.

[2] Learned counsel for the petitioners *inter alia* contends that the present FIR was registered due to misconception and misunderstanding between the parties. He further contends that the parties have resolved their misunderstanding and a written compromise deed dated 16.08.2023 (Annexure P-2) has been effected between them. He submits that the parties are residing in the same locality and respondent No.2 does not want to take any action in the present FIR.

[3] Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties.

[4] As per order dated 13.09.2023, the parties were directed to appear before the trial Court/Illaqa Magistrate for recording of their statements and their report from the said Court was sought regarding genuineness of the compromise.

[5] As per the report dated 03.10.2023 of Court of Mr. Dharampal, Judicial Magistrate 1st Class, Bahadurgarh, statements of petitioners, complainant-respondent No.2 as well as Investigating Officer-SI Parmod Kumar have been recorded. No accused has been declared as Proclaimed Offender in this case. He has submitted that the compromise is genuine and voluntary without any force or undue influence. No case is pending against the petitioners except the present case. There is only one victim/complainant and the compromise is supported by her.

[6] Learned State counsel has not raised any objection regarding the acceptance of the present petition.

[7] Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, has held that the High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offences and quash the proceeding where the High Court is of the opinion that it is required to prevent the abuse of process of law or otherwise to secure the ends of justice.

[8] As per the FIR, both the complainant and accused are residents of same area i.e. village Naya Gaon, Tehsil Bahadurgarh, District Jhajjar. Now, they want to end their dispute and they have entered into a compromise, which is with their free consent. Since the matter has been settled between the parties and the

parties have buried the hatchet and given quietus to the matter, as such, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed and it would be suitable to exercise jurisdiction under Section 482 of the Code of Criminal Procedure, 1973.

[9] Consequently, this petition is allowed and FIR No.307 dated 12.12.2020 registered at Police Station Sadar Bahadurgarh, District Jhajjar under Sections 323, 34, 341, 354-B, 506 of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[10] All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

07.02.2024
P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No