

2762024:PHHC:047647

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-14039-2024 & CRM-14040-2024 in/& CRM-M-46099-2023(O&M)

Date of Decision: April 08, 2024

ADITYA AND OTHERS

Versus

STATE OF HARYANA AND ANOTHER

.....Petitioners

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. J.S. Thind, Advocate for the petitioners.
Mr. Gurmeet Singh, AAG, Haryana.
Mr. Manjit Singh Gahlawat, Advocate
for respondents No.2 and 3.

HARKESH MANUJA, J. (ORAL)

CRM-14039-2024

Allowed as prayed for, subject to all just exceptions.

CRM-14040-2024

This is an application for impleading Chirag as party-respondent No.3 in compliance of order dated 09.01.2024.

Notice of the application to non-applicant/respondents.

Mr. Gurmeet Singh, AAG, Haryana accepts notice on behalf of respondent-State whereas Mr. Manjit Singh Gahlawat, Advocate accepts notice on behalf of respondents No.2 & 3 and files his power of attorney on behalf of respondent No.3 as well, the same is taken on record.

For the reasons mentioned in the application, the same is allowed, subject to all just exceptions and Chirag Chaudhary is ordered to be impleaded as party-respondent No.3 in order to pursue the present petition.

Amended memo of parties is taken on record.

MAIN CASE

By way of this petition filed under Section 482 Cr.P.C. the petitioners pray for quashing of case bearing FIR No.351 dated 06.11.2021 registered under Sections 147, 149, 323, 452 and 506 of IPC at P.S. Civil Line Hisar, District Hisar, along with all consequential proceedings arising out of the same on the basis of compromise dated 01.08.2023.

2. As per allegations levelled in the FIR, the petitioners forcibly entered the house of complainant-respondent No.2 and gave beatings to him. The present FIR has been got registered at the instance of Saurabh Singh, though his nephew Chirag also happens to be one of the victim.

3. This Court while issuing notice of motion vide order dated 14.09.2023 directed the parties to appear before trial Court for getting their statements recorded as regards the veracity of the compromise arrived at between them.

4. In pursuance to the order dated 14.09.2023, a report dated 03.11.2023 has been received from the concerned Court as regards the statements of the petitioners besides the complainant, stating that the compromise in the present case is genuine and voluntary whereas an affidavit of Mr. Chirag Chaudhary has been filed wherein he has admitted the factum of settlement/compromise arrived at and stated that he has no objection in case FIR is quashed.

5. Learned counsel for the petitioners submits that once, a compromise has been arrived at between the parties without any pressure and respondents No.2 and 3 have no objection as regards 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. He also submits that 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 on the basis of compromise entered into between the parties.

6. On the other hand, learned State counsel submits that allegations in the present FIR are of serious nature and he opposes the prayer made in the petition.

7. I have heard learned counsel for the parties and gone through the records including the report dated 03.11.2023. 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 directions issued by this 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***".

8. 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 petition is allowed and FIR 351 dated 06.11.2021 registered under Sections 147, 149, 323, 452 and 506 of IPC at P.S. Civil Line Hisar, District Hisar along with all consequential proceeding arising therefrom, are hereby quashed.

9. The aforesaid order shall, however, be subject to payment of Costs of Rs.40,000/- (Rs.5,000/- each to be deposited with the Poor Patients’ Welfare Fund, PGIMER, Chandigarh, within a period of two weeks from today.

08.04.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

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