

279 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-51603-2023 (O&M)

Date of Decision: 14.03.2024

NARESH KUMAR AND ANOTHER

...Petitioners

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.S. Sahu, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Ajit Kumar Sharma, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 139 dated 26.06.2020 registered under Sections 323, 452, 34 and 506 of Indian Penal Code at Police Station City Ratia, Tehsil Ratia and District Fatehabad and all subsequent proceedings arising therefrom in view of the compromise dated 20.09.2023 (Annexure P-2).

2. The following order was passed on 11.10.2023:

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of case FIR No.139 dated 26.06.2020 under Sections 323, 452, 34 and 506 of Indian Penal Code, 1860, registered at Police Station City Ratia, Tehsil Ratia and District Fatehabad, and subsequent proceedings arising therefrom, on the basis of compromise dated 20.09.2023 (Annexure P-2) arrived at between the parties.

Learned counsel for the petitioners submits that petitioners have effected a compromise with the complainant, which has been reduced into writing and the same is appended alongwith the instant petition as Annexure P-2. Reliance is

placed upon Jayrajsinh Digvijaysinh Rana vs. State of Gujarat and another, (2012)12 SCC 401 to contend that even in case of a partial compromise, FIR can be quashed qua the accused with whom the compromise has been effected. Learned counsel further refers to Kulwinder Singh and others vs. State of Punjab, 2007(3) RCR (Criminal) 1052, whereby it is held that High Court has power under Section 482 Cr.P.C., to allow the compounding of non-compoundable offence and quash the prosecution where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice.

Notice of motion.

Ms. Ambika Sood, Addl. A.G. Haryana, puts in appearance on behalf of respondent No.1-State.

Mr. Ajit Kumar Sharma, Advocate, puts in appearance on behalf of respondent No.2 and filed Power of Attorney, which is taken on record. He acknowledges that the matter has been compromised between the parties and the complainant party does not wish to pursue the FIR in question.

In view of the above, both the parties are directed to appear before the concerned trial Court/Illaga Magistrate/Duty Magistrate for recording their statements on 18.10.2023 or any other date convenient to the concerned Court. The statement of Investigating Officer be also recorded on the same day, who would also identify the parties appearing before the Court. The original compromise shall be produced before the Court at the time of recording statement of the parties.

The concerned Court is directed to submit a report on or before the next date of hearing, containing the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed person?*
- 3. Whether all the accused/petitioner(s) is/are appearing before the Court?*
- 4. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 5. Whether the accused/petitioner(s) is/are involved in any other FIR or not?*
- 6. The trial Court/Illaga Magistrate/Duty Magistrate is also directed to record the statement of the Investigating Officer as to how many victims/ complainants are there in the FIR.*

A copy of the statements so recorded be also sent along with the report.
The State to file status report before the next date.
List on 12.12.2023.”

3. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. Learned counsel for the petitioners submits that in view of the law laid down by Hon’ble Supreme Court in ***Jayrajsinh Digvijaysinh Rana Vs. State of Gujrat and Another 2012(4) RCR (Crl.) 589*** and this Court in ***Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256*** and, partial compromise is permissible.

5. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in ***Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834*** and ***Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63*** and Full Bench of this Court in ***Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052***, this petition is allowed and FIR No. 139 dated 26.06.2020 registered under Sections 323, 452, 34 and 506 of Indian Penal Code at Police Station City Ratia, Tehsil Ratia and District Fatehabad and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

14.03.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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