

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

263

CRM-M-52942-2022

Date of Decision : January 15, 2024

HAWA SINGH AND ANOTHER

-PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER -RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Nitin Thatai, Advocate
for the petitioners.

Mr. Yuvraj Shandilya, A.A.G., Haryana.

Ms. Shruti Sharma, Advocate for
Ms. Gaganpreet Kaur, Advocate
for the respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as cast under Section 482 of the Cr.P.C., the petitioners crave for the hereinafter extracted relief(s):-

“Quashing of the FIR No.274 dated 11.10.2022, under Sections 34, 506 of the IPC, and, Sections 3(1)(r) & 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) (hereinafter referred to as the ‘SC/ST Act’), registered at P.S. Bhondsi, District Gurugram, along with all consequential proceedings arising therefrom, on the basis of compromise deed dated 03.11.2022 (Annexure P-2), as entered into inter se the parties before this Court.”

2. Upon an affirmative response from the learned counsel for the respondent No.2 qua the compromise (Annexure P-2), a Co-ordinate Bench of this Court had, through an order drawn on 06.01.2023, upon the instant petition, directed the parties to appear before the trial Court/Illaq Magistrate concerned, for getting their respective statements recorded qua authenticity of

the compromise (Annexure P-2). Moreover, the trial Court/Illaq Magistrate concerned was also directed to send a report in the above regard.

3. Consequent to the making of the directions (supra), the parties appeared before the learned Additional Sessions Judge, Gurugram and got their respective statements recorded, thereby authenticating the compromise (Annexure P-2). Accordingly, in compliance of the directions (supra) of this Court, a Report bearing No.85 dated 21.01.2023 has been received from the learned Additional Sessions Judge, Gurugram, wherein, a satisfaction has been recorded by the learned Additional Sessions Judge concerned qua the compromise (supra) being drawn in a genuine and voluntary manner, without any coercion or undue influence.

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

5. A Co-ordinate Bench of this Court, in **CRM-M-48133-2022 (O&M)**, titled as **“Nardev Singh Mann @ Bobby Mann V/s State of Punjab and another”**, **Decided on: 24.02.2023**, while granting a similar relief, as craved in the instant petition, i.e. quashing of an FIR registered under the provisions of the SC/ST Act, on the basis of compromise, has observed as under:-

“5. Despite the severe opposition of the State’s counsel to this compromise, 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 aggrieved person has willingly consented to the nullification

of criminal proceedings;

d) There is no objection from the private respondent 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 FIR and all consequential proceedings is justified to secure the ends of justice.”

6. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioners/accused have been charged, are not of 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.

7. Resultantly, FIR No.274 dated 11.10.2022, under Sections 34, 506 of the IPC, and, Sections 3(1)(r) & 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) (hereinafter referred to as the ‘SC/ST Act’), registered at P.S. Bhondsi, District Gurugram, along with all consequential proceedings arising therefrom, is hereby quashed, on the basis of compromise deed dated 03.11.2022 (Annexure P-2).

January 15, 2024
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(KULDEEP TIWARI)
JUDGE

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