

CRM-M-57394-2023

2024:PHHC:027470

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-57394-2023(O&M)
Date of Decision : February 27, 2024

BHARAT AND ORS.

.....Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. G.C.Shahpuri, Advocate
for the petitioners.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J. (Oral)

CRM-6337-2024

1. The present application has been filed for impleading the applicants as co-petitioners.

2. For the reasons mentioned in the application, the same is allowed and the applicants are ordered to be impleaded as co-petitioners. The amended memo of parties, as appended with the application has been taken on record.

Main case

3. The instant petition, as cast under Section 482 of the Cr.P.C., proffers the hereinafter extracted relief, as craved by the petitioners, inasmuch as, quashing of the FIR No.305 dated 15.6.2023, under Sections

147, 148, 323, 379-B, 452, 506 of the IPC, registered at P.S. Adarsh Nagar, District Faridabad and all the subsequent proceedings arising therefrom, on the basis of a compromise dated 21.9.2023 (Annexure P-2), as entered into *inter se* the petitioners and respondents No.2 and 3/complainants.

4. Upon an affirmative response from the learned counsel for respondents No.2 and 3/complainants *qua* the compromise (Annexure P-2), this Court had, through an order drawn on 15.11.2023, upon the instant petition, besides issuing notice, directed the parties to appear before the learned trial Court/Illaqa Magistrate concerned, for getting their respective statements recorded *qua* authenticity of the compromise (Annexure P-2). Moreover, the trial Court/Illaqa 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 learned Judicial Magistrate 1st Class, Faridabad 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.970 dated 2.12.2023 has been received from the learned Judicial Magistrate 1st Class, Faridabad, wherein, a satisfaction has been recorded by the Magistrate concerned *qua* the compromise (*supra*) being drawn in a genuine and voluntary and without any pressure or coercion and out of free will of the parties.

6. Though the FIR was registered against seven accused, i.e.

four by name and three unknown persons, who have been impleaded as co-petitioners in the instant petition, vide order of even date and their statements have also been recorded by the learned trial Court concerned. It is also pertinent to mention here that there are three complainants/injured in the instant matter and only two complainants/injured have been impleaded in the instant petition. However, the statement of third complainant/injured has also been recorded by the learned trial Court concerned. Therefore, it cannot be said that it is a partial compromise. The above aspect has been verified by the learned State counsel on instructions imparted to him by the official concerned.

7. This Court have heard counsel for the parties and gone through the case file.

8. 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.”

9. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioner(s)/accused **have(has)** 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, others Vs. State of Punjab 2007(3) RCR (Criminal) 1052***, the present petition for quashing the FIR (supra) is hereby allowed.

10. Resultantly, FIR No.305 dated 15.6.2023, under Sections 147, 148, 323, 379-B, 452, 506 of the IPC, registered at P.S. Adarsh Nagar, District Faridabad and all the subsequent proceedings arising

therefrom, on the basis of a compromise dated 21.9.2023 (Annexure P-2)
is, hereby, **quashed**.

February 27, 2024
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(KULDEEP TIWARI)
JUDGE

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