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2024:PHHC:047632

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-15558-2024 in/and CRM-M-59194-2023

Date of Decision: April 08, 2024

KULDEEP SINGH AND OTHERS

.....Petitioners

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sahil Gupta, Advocate for the petitioners.
Mr. Gurmeet Singh, AAG, Haryana.
Mr. Devvart, Advocate for
Mr. Amit Khatkar, Advocate for respondent No.2.
Mr. Gagandeep Singh Gill, Advocate for respondent No.3.

HARKESH MANUJA, J. (ORAL)

CRM-15558-2024

This is an application for impleading complainant namely
Lallu @ Ramesh as respondent No.3.

Notice of the application to non-applicant/respondent.

Mr. Gurmeet Singh, AAG, Haryana accepts notice on behalf
of respondent No.1-State whereas Mr. Devvart Kaswan, Advocate
accepts notice on behalf of respondent No.2.

For the reasons mentioned in the application, the same is
allowed, subject to all just exceptions and Lallu @Ramesh is ordered to
be impleaded as respondent No.3 in the present petition.

Amended memo of parties be taken on record.

MAIN CASE

1. By way of present petition under Section 482 Cr.P.C. the
petitioners pray for quashing FIR No.108 dated 07.05.2023 registered
under Sections 379-A, 365, 452, 506 and 120-B of IPC at P.S. Sadar

Tohana, District Fatehabad along with all consequential proceedings arising out of the same on the basis of the compromise/affidavit dated 03.10.2023 (Annexure P-2).

2. As per the allegations levelled in the FIR, the petitioners threatened the complainants-respondents No.2 and 3 to withdraw the tender and get a compromise effected. Though there were eight accused persons in the FIR, however, compromise has been effected only with six accused persons. Mr. G.S. Gill, Advocate has appeared on behalf of respondent No.3 and files his power of attorney, the same is taken on record.

3. This Court while issuing notice of motion vide order dated 07.12.2023 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 24.11.2023, a report dated 09.12.2023 has been received from the concerned Court, stating that the compromise in the present case is genuine and voluntary.

5. Thus once, the compromise has been arrived at between the parties without any pressure and respondents No.2 and 3 have no objection as regard 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, in part, qua the petitioners. 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 in question, qua the petitioners, on the basis of compromise entered into between the parties.

6. 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 direction issued by the 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***".

7. Further, learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in '**Jayrajsingh Digvijaysinh Rana Vs. State of Gujarat and Another**', **2012(4) R.C.R. (Criminal) 589** and this Court in '**Joginder Singh & Another Vs. State of Punjab and Another**', passed in CRM-M-23739-2010 decided on 27.04.2011, '**Rajinder Singh Vs. State of Punjab & Another**', passed in CRM-M- 37395-2016 decided on 16.05.2017 and '**Vimal Kalra & others Vs. State of Punjab & another**', passed in CRM-M-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

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 FIR No.108 dated

07.05.2023 registered under Sections 379-A, 365, 452, 506 and 120-B of IPC at P.S. Sadar Tohana, District Fatehabad along with all consequential proceedings arising therefrom, are hereby quashed qua the petitioners.

9. The aforesaid order shall, however, be subject to payment of Costs of Rs.30,000/- (Rs.5,000/- each) to be deposited with Poor Patients’ Welfare Fund, PGIMER, Chandigarh, within a period of two weeks from today.

08.04.2024

(HARKESH MANUJA)
JUDGE

Tejwinder

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