
(2020) 12 P&H CK 0043

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 27183 Of 2020 (O&M)

Shubham And Others

APPELLANT

Vs

State Of Haryana And Another

RESPONDENT

Date of Decision : 02-12-2020

Acts Referred:

Indian Penal Code, 1860 — Section 148, 149, 323, 325, 506
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2020) 12 P&H CK 0043

Hon'ble Judges : H.S. Madaan, J

Bench : Single Bench

Advocate : R.S. Anttal, Kanwar Sanjiv Kumar, Navdeep Monga

Final Decision : Allowed

Judgement

H.S. Madaan, J

Case taken up through video conferencing.

This petition for quashing of FIR No.116 dated 19.02.2020, for offences under Sections 148, 149, 323, 325, 506 of IPC, registered at Police Station

Yamuna Nagar City, District Yamuna Nagar at Jagadhri, has been filed by petitioners Shubham, Ranjit, Viney @ Vinay and Sumit, all residents of

Village Tajakpur, District Yamuna Nagar at Jagadhri, who are accused in the said FIR, on the basis of compromise, stated to have been effected

between them and complainant Navinder Singh- arrayed as respondent No.2.

Briefly stated facts of the case as per prosecution story are that, on 12.02.2020 at about 3.00 PM, complainant Navinder Singh son of Gurwant Singh,

resident of Village Ismail Pur, Yamuna Nagar, aged about 19 years, a student of BA-II at Mukand Lal College along with his friends Simran and

Tushar was standing at main gate of the college when 5-6 boys having sticks in their hands came there and started beating him up. Those boys included Shubham, Ranjit, Vinay and Sumit (present petitioners) as well as 02 more persons not acquainted with the complainant earlier. As a result of being so assaulted by the assailants, the complainant received injuries. He was hospitalized and was medico-legally examined. On the basis of statement made by the complainant/injured, formal FIR was registered. The investigation in the case started, during the course of which, name of fourth assailant came to be known as Sumit.

The matter has since been compromised between the parties. The case is at the stage of investigation. The challan has not been filed. All the four accused have been granted pre-arrest bail and none of them is proclaimed offender.

When the petition came up for hearing on 15.09.2020, notice of motion was ordered to be issued. Respondent No. 1 - State of Haryana through State counsel, whereas respondent No.2 through Mr. Navdeep Monga, Advocate had put in appearance. Then in light of the contention that parties have since effected compromise, they were directed to put in appearance before the Trial Court/Area Magistrate to get their statements recorded with regard to compromise and was directed to send a report to this Court.

Report has been received from Chief Judicial Magistrate, Yamuna Nagar at Jagadhri, in terms of which complainant Navinder Singh and accused, namely, Shubham, Ranjit Singh, Vinay and Sumit, had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, without any threat or coercion. Further, the complainant has stated that he has no objection if the FIR in question is quashed by this Court. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. Along with the reportÂ Â statement of the complainant and all the accused, have been annexed.

I have heard learned counsel for the parties besides going through the record.

The dispute between the parties has been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or coercion and in terms of ratio of the authority reported as Kulwinder Singh and others vs. State of Punjab and Anr. 2007 (3) RCR (Criminal) 1052,

where in para 28, it has been held as under :-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under

Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is

“finest hour of justice”.

It has been observed that High Court has power to quash prosecution in order to achieve ends of justice and to prevent abuse of process of law.

Though such powers are unlimited but those are to be exercised sparingly and with utmost care and caution. Though there is no statutory bar which

can effect the inherent power of High Court under Section 482 Cr.P.C.

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the FIR and ancillary proceedings

exercising power under Section 482 Cr.P.C., it appears to be a fit case to exercise such powers.

Accordingly, the petition is allowed and the above said FIR along with ancillary proceedings are hereby quashed.