

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-14267-2015

Date of Decision: 19.10.2015

NITIN KUMAR AND ORS.

....PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

.... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI.

Present: Mr. N.K Bansal, Advocate, for the petitioners.

Mr. G.S Salwara, DAG, Haryana.

Mr. Chanderdeep Singh, Advocate,
for respondent No.2.

P.B BAJANTHRI,J. (Oral)

The instant petition is for quashing of FIR No. 162 dated 11.10.2012, under Sections 323/498-A/34 IPC, registered at Police Station Line Par Bahadurgarh, District Jhajjar and all the subsequent proceedings arising out of the same, on the basis of compromise arrived at between the parties.

Notice of motion was issued on 04.05.2015 and on 07.08.2015, the parties were directed to appear before the trial Court on 19.09.2015 for getting their statements recorded with regard to the compromise and for submission of report by the learned trial Magistrate.

The learned counsel for the parties submit that the order dated 07.08.2015 has been complied with before the learned trial Court on 29.09.2015. The trial Court recorded the statements of the petitioners as well as of respondent No.2 and to that extent report has already been received from the trial Court, which is dated 05.10.2015 of Judicial Magistrate 1st

Class, Bahadurgarh.

Learned counsel for the petitioners submits that a sum of Rs. 1.50 lacs which was due to be paid to respondent No.2 is being paid today vide demand draft dated 24.07.2015, drawn on Bank of Baroda. He further submits that since statement has already been made by the complainant, the instant FIR may be quashed.

Learned counsel for the complainant has no objection.

Learned State counsel on instructions submitted that the petitioners are the accused and respondent No. 2 is the complainant in this case.

No useful purpose would be served to keep the said FIR pending.

In view of the statements and report of the trial Court and the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Vs. State of Punjab and another**, 2007(3) RCR (Criminal) 1052, approved by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others** (2012) 10 SCC 303, the instant petition is allowed and the FIR No. 162 dated 11.10.2012, under Sections 323/498-A/34 IPC, registered at Police Station Line Par Bahadurgarh, District Jhajjar and all the subsequent proceedings arising out of the same are quashed qua the petitioners.

Needless to say that parties shall remain bound by the terms of compromise and their statements made in the Court below.

(P.B BAJANTHRI)
JUDGE

19.10.2015
PA