

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM No.M-26909 of 2014

Date of Decision: 13.10.2015

RAM MEHAR

. . . Petitioner

Versus

STATE OF HARYANA AND ORS

. . . Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No*
- 2. To be referred to reporters or not? Yes/No*
- 3. Whether the judgment should be reported in the Digest? Yes/No*

Present: Mr. Bhupinder Singh, Advocate
for the petitioner.

Mr. Sanjay Kumar, AAG, Haryana
for respondent No.1-State.

Mr. Parveen Sharma, Advocate
for respondent Nos.2 and 3.

NARESH KUMAR SANGHI, J. (Oral)

Prayer in this petition, filed under Section 482, Cr.P.C., is for quashing of FIR No. 40 dated 26.01.2011, for the offences punishable under Sections 323, 324, 326 and 506 read with Section 34, IPC registered at Police Station, Gharaunda,

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District Karnal, and all the consequential proceedings arising therefrom, on the basis of compromise, dated 31.07.2014 (Annexure P-2).

Vide order dated 09.07.2015, passed by this Court, the affected parties were directed to appear before the learned Trial Court for getting their respective statements recorded with regard to the compromise. The said Court was directed to send its report along with copies of the statements of the parties to this Court.

In compliance of the above, the petitioner-Ram Mehar and injured persons Ravi and Joginder (respondent Nos.2 and 3), did appear before the Court below and got recorded their respective statements with regard to compromise. The said statements have been sent to this Court by learned trial Court. Perusal of statements suffered by the private parties would reveal that the injured persons have sorted out their dispute and effected a compromise with the petitioner.

The perusal of the report received from learned Court below would reveal that compromise has been effected between the parties without any pressure or coercion from any side.

Learned counsel representing respondent Nos.2 and 3 fairly admits that the injured persons have no objection if impugned FIR and all the consequential proceedings arising therefrom, are quashed on the basis of compromise.

Learned counsel for the State, after going through the statements received from the learned trial Court along with its report, has also no objection if the impugned FIR and all the consequential proceedings emanating therefrom, are quashed on the basis of the compromise (Annexure P-2).

I have heard the learned counsel for the parties and with their able assistance have gone through the material available on record.

Petitioner Ram Mehar and the injured persons Ravi and Joginder (respondent Nos.2 and 3) were students and on account of previous incident of quarrel, the petitioner had caused injuries to Ravi and Joginder while watching *Kabaddi* match in the playground of school. Due to intervention of respectable and elderly people of the society, injured persons have resolved their dispute with the petitioner. The statements of the injured persons have already been recorded with regard to the execution of the compromise (Annexure P-2). The report received from the learned Court below reveals that

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compromise has been effected without any pressure or coercion from any side.

Learned counsel for the parties are also *ad-idem* that parties have resolved their dispute and effected a compromise.

In view of the totality of the facts and circumstances of the case and taking into consideration the ratio of the judgment delivered by Hon'ble the Supreme Court in the matter of '**Gian Singh vs. State of Punjab & Anr. 2012(4) RCR (Criminal) 543**' and a 5 Judge Bench judgment of this Court in the matter of '**Kulwinder Singh and others vs. State of Punjab and another, 2007 (3) RCR (Criminal) 1052**', the present petition is accepted, FIR No. 40 dated 26.01.2011, for the offences punishable under Sections 323, 324, 326 and 506 read with Section 34, IPC registered at Police Station, Gharaunda, District Karnal, and all the consequential proceedings arising therefrom, on the basis of compromise, dated 31.07.2014 (Annexure P-2), are hereby quashed.

[NARESH KUMAR SANGHI]
JUDGE

13.10.2015
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