

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38351 of 2015

Date of decision: 18.12.2015

Ramesh Kumar & another

-----Petitioner (s)

V/s

State of Haryana & anohter

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Munish Mittal, Advocate for the petitioner(s).

Mr. Shaveta Sanghi, AAG, Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.96 dated 27.08.2015 under Sections 323, 326, 427 and 34 IPC (Annexure P-1), registered at Police Station Jathlana, District Yamuna Nagar, on the basis of compromise dated 02.11.2015 (Annexure P-2).

On 06.11.2015, this Court has passed the following order:-

The learned counsel refers to Annexure P-2, whereby the compromise has been effected between the parties.

Notice of motion for 18.12.2015.

At this stage, Mr. Vijay Kumar, Advocate, causes representation on behalf of the respondent No.2 and admits

the factum of compromise.

The parties shall appear before the learned Chief Judicial Magistrate/Illaq Magistrate, on 10.11.2015, to get their statements recorded regarding the veracity of the compromise.

The learned Court, after recording the statements, will send a report regarding the genuineness of the compromise being arrived at between the parties, along with the statements, to the Registrar Judicial of this Court, within a week thereafter. The Court shall also report as to whether the present petition has been filed on behalf of all the accused and whether any of the accused has been declared proclaimed offender in the present FIR ? A copy of the report be also sent through fax.

Pursuant to the aforesaid order dated 06.11.2015, the parties have appeared before learned Chief Judicial Magistrate, Yamuna Nagar at Jagadhari and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 18.11.2015 to the effect that the parties have willfully settled their differences and reached at bona fide compromise without any pressure and the same is genuine.

The statement of the complainant-respondent No.2, namely, Ajay Pal Son of Singh Ram, reads as under:-

“We have compromised the matter in case FIR No.96 dated 27.08.2015 under Sections 323, 326, 427, 34 of IPC, PS Jathlana. The said compromise has been effected between us without any pressure or coercion from any side of any kind. The FIR in question may kindly be quashed.

RO & AC
Sd/- Ajay Pal

Sd/-
(Sumit Garg)
CJM/10.11.2015”

Apart from the statement of the complainant-respondent No.2,

whereby he has shown no objection to the FIR being quashed, there is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Learned counsel for the State does not dispute the factum of compromise entered between the parties.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)**, as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.96 dated 27.08.2015 under Sections 323, 326, 427 and 34 IPC (Annexure P-1), registered at Police Station Jathlana, District Yamuna Nagar is quashed, qua the petitioners, in view of compromise dated 02.11.2015 (Annexure P-2).

18.12.2015

ANJAL

**(HARI PAL VERMA)
JUDGE**