

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-39338 of 2014

Date of decision : September 22, 2015

Parvinder @ Parveen and others

..... Petitioners

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Manoj Kumar Sood, Advocate
for the petitioners

Mr. Amrik Narwal, DAG Haryana

Mr. S.K. Garg Narwana, Sr. Advocate with
Mr. Naveen Gupta, Advocate
for respondents No. 2 and 3

ANITA CHAUDHRY, J.(ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing the FIR on the basis of compromise/settlement dated 04.11.2014.

Initially the FIR was registered under Sections 148, 149, 323, 452, 506 IPC but subsequently Section 325/307 IPC was added. The petitioners had averred in their petition that the complainant and the accused were college students and of the same village and due to the intervention of the respectable persons the matter had been compromised and it was agreed that the FIR would be quashed and in the light of the settlement the proceedings should be brought to an end.

The Coordinate Bench before whom the matter was placed first issued notice of motion for 12.02.2015 and in the same order directed the parties to get their statements recorded before the trial Court. The parties failed to appear and on 12.02.2015 one more opportunity was granted to the parties to get their statements record. The report from the trial Court was received and the matter was adjourned as the complainant side wanted to file their reply and were opposing the settlement.

In the reply submitted by respondent No. 2 and 3, it was pleaded that petitioners were very close to ACP and ASI who were posted at Police Station Ballabgarh and they were also politically connected with local MLA. It was pleaded that the petitioners were never arrested in this case though they had inflicted injuries on the head with iron pipes. Allegations of some payment to the police officials was also made, which is not relevant. The respondents had pleaded that there was a fracture of right part of the occipital bone and he was admitted in the hospital for 15 days. It was pleaded that the police had forcibly obtained signatures of respondents No. 2 and 3 on the compromise (Annexure P-2) which was filed before the Court and the police had threatened them and under the threat of police they had suffered a statement on 03.03.2015 and the compromise was not voluntary but under coercion and there was a threat that cases would be registered against them.

Learned counsel for the petitioners contends that respondents No. 2 and 3 had appeared before the Court and had made a statement and a report in this regard has been received and

they can not now back out and the FIR should be quashed.

The submission on behalf of the respondents was that they did not appear before the Court on the date that was fixed for the first time and it was under the pressure of the police that they had gone to the Court and there was a threat and, therefore, the statements were made and the settlement was got signed under pressure of the police and it was not voluntary compromise.

In view of this situation, the FIR can not be quashed. The complainant and the injured have pleaded that it was on account of fear of registration of FIR and the links of the petitioners with the police posted in the Police Station that they were made to sign the compromise.

In view of this background, the FIR can not be quashed.
'The petition is dismissed.

September 22, 2015

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**(ANITA CHAUDHRY)
JUDGE**