

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

252

Criminal Misc. No. M-8074 of 2015
Date of decision: October 06, 2015

Jagdish @ Jogi and others

....Petitioners

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Present: Mr. Sarvjit Singh Khurana, Advocate for the petitioners.

Mr. Sulinder Kumar, AAG, Haryana.

None for respondents No.2 to 4.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.89 dated 16.02.2015 registered under Sections 147, 149, 323, 452 IPC at Police Station Dharuhera, District Rewari (Annexure P-1) and other proceedings arising therefrom on the basis of compromise arrived at between the parties.

While issuing notice of motion on 12.03.2015, the following order was passed:

"It is inter alia contended that a compromise has been reached between the parties.

Notice of motion.

On the asking of Ms. Dimple Jain, AAG, Haryana accepts notice on behalf of respondent No. 1 and Mr. B.R. Rana, Advocate who is present in Court accepts notice on behalf of respondents No. 2 to 4 and does not dispute that a compromise has been reached between the parties.

Learned counsel for respondents No. 2 to 4 shall file power of attorney with the Registry within two weeks.

List on 26.5.2015.

In the meanwhile, parties are directed to appear before the Area Magistrate on 31.3.2015, to record their statements regarding the factum of compromise and ensure that the same is genuine, voluntary and without any threat, coercion or pressure. It is further directed that a fresh compromise bearing signatures/thumb impressions of all the petitioners and respondents No. 2 to 4 alongwith particulars of the attesting witnesses thereto be filed before the Area Magistrate as the compromise Annexure P-2 presently relied is only signed by respondent No. 2. The Investigating Officer is also directed to appear before the Area Magistrate on the said date to identify the petitioners and respondent No. 2 to 5.

The Area Magistrate shall send the report regarding genuineness of compromise and also the terms of settlement along with copies of the statements of the parties and the compromise before the next date."

In response to the aforesaid direction, the parties appeared before learned Chief Judicial Magistrate, Rewari and accordingly, their statements were recorded. A report has been sent by the Chief

Judicial Magistrate, Rewari, wherein, the factum of compromise has been affirmed. It has been mentioned therein that all the accused persons and the complainant have compromised their dispute with the help of friends and respectable persons of the society and the purpose of compromise is to maintain peace and harmony. It has also been mentioned therein that the complainant has no objection for quashing of the FIR and other proceedings arising therefrom. It has also been mentioned in the report that the Court is satisfied that the parties have voluntarily compromised the matter without any threat, coercion or pressure.

Since the dispute between the parties has been settled by way of compromise and the complainant has no objection in quashing of the FIR on the basis of compromise, continuation of proceedings would be a futile exercise as the complainant is not going to support the case of the prosecution and that would not only be mere wastage of the valuable time of the Court but it would also not be in the interest of both the parties. Moreover, the purpose of compromise is to maintain peace and harmony in the relations.

Accordingly, this petition is allowed and FIR No.89 dated 16.02.2015 registered under Sections 147, 149, 323, 452 IPC at Police Station Dharuhera, District Rewari (Annexure P-1) as well as other proceedings arising therefrom qua petitioners, namely, Jagdish @ Jagi, Inderpal, Jagmal, Jai Karan, Sunil and Mahabir are hereby quashed.

(DAYA CHAUDHARY)
JUDGE

October 06, 2015

sonia g.