

272.

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

CRM-M-13851-2016

Date of decision:30.08.2016

Rishikesh and others

... Petitioners

versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Alisha Soni, Advocate,
for the petitioners.

Mr. Sulinder Kumar, AAG, Haryana.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.85 dated 23.09.2012 under Sections 148/ 149/ 323/ 341/506 IPC (Section 148 IPC was lateron deleted and Section 147 IPC was added by the investigation agency while presenting report U/s 173 Cr.P.C.), registered at Police Station Siwan, District Kaithal (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 25.03.2016 (Annexure P-2).

This Court vide order dated 26.04.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Judicial Magistrate Ist Class, Kaithal and have got their statements recorded. On the basis of the statements so recorded, learned

Magistrate has submitted the report dated 09.06.2016 to the effect that the compromise has been effected between the parties voluntarily without any threat, pressure, undue influence or fraud.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Pankaj Kaushik, but no prejudice would be caused to him as he has already made his statement with regard to the compromise before learned Magistrate on 27.05.2016. The same is being reproduced as under:-

“Stated that I have voluntarily entered into of compromise with all the accused in regard to all the pending litigation between the parties. I do not have any objection if the proceedings against the accused are quashed in terms of the compromise. I am under no threat coercion or undue influence for entering into the compromise. ”

The learned State counsel has not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Versus State of Punjab and another-2007 (3) RCR (Criminal) 1052** and approved by the Hon'ble Supreme Court in **Gian Singh Versus State of Punjab and others-(2012) 10 SCC 303**, this petition is allowed and F.I.R. No.85 dated 23.09.2012 under Sections 148/ 149/ 323/ 341/506 IPC (Section 148 IPC was lateron deleted and Section 147 IPC was added by the investigation agency while presenting report U/s 173 Cr.P.C.), registered at Police Station Siwan,

District Kaithal (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 25.03.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

30.08.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.