

269.

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

CRM-M-23148-2016

Date of decision:27.10.2016

Nirmala Devi and others

... Petitioners

versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. N.S. Dhillon, Advocate,
for the petitioners.

Mr. Arun Kumar, AAG, Haryana,
for respondent No.1.

Mr. Rakesh K. Kaundal, Advocate,
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.170 dated 16.03.2014 under Sections 417, 419, 420, 423, 465, 467, 468, 471, 506, 120-B IPC, registered at Police Station Thanesar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 27.11.2014 and 23.05.2016 (Annexure P-2 and P-4 respectively).

Mr. Rakesh K. Kaundal, Advocate, has put in appearance on behalf of respondent No.2 and filed vakalatnama which is taken on record.

Reply by way of affidavit of Krishan Kumar, Deputy Superintendent of Police (HQ), Kurukshetra, filed in court on behalf of respondent No.1, is taken on record.

This Court vide order dated 13.07.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Civil Judge (Junior Division)-cum-Judicial Magistrate Ist Class, Kurukshetra and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 02.09.2016 to the effect that the compromise has been effected between parties voluntarily, without any fear and duress and with their own free will.

Respondent No.2-complainant, namely, Jai Parkash has made his statement with regard to compromise before learned Magistrate on 29.08.2016 to the effect that he has compromised the matter with the accused without any pressure or undue influence and the same is exhibited as C1 and C2.

Learned State counsel as well as learned counsel for respondent No.2 have 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.170 dated 16.03.2014 under Sections 417, 419, 420, 423, 465, 467, 468, 471, 506, 120-B IPC, registered at Police Station Thanesar (Annexure P-1) and all subsequent

proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 27.11.2014 and 23.05.2016 (Annexure P-2 and P-4 respectively).

(HARI PAL VERMA)
JUDGE

27.10.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.