

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

CRL. MISC. No.M-32504 OF 2016 (O&M)
DATE OF DECISION : 19th DECEMEBR, 2016

Ajay Pal & others

.... Petitioners

Versus

State of Haryana & another

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Ashit Malik, Advocate for the petitioners.

Mr. Arjun Singh Yadav, AAG, Haryana.

Mr. Tanmay Gupta, Advocate for respondent No.2.

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A. B. CHAUDHARI, J. (ORAL)

CRM-28667-2016

Allowed as prayed for.

CRL. MISC. No.M-32504 OF 2016

The petitioners have filed the present petition under Section 482 Cr.P.C. seeking quashing of FIR No.117 dated 06.07.2012 (Annexure P-1) registered under Sections 148, 149, 323, 324, 326, 452, 506 IPC at Police Station Hassanpur, District Palwal and all consequent proceedings including judgment of conviction dated 17.12.2015 (Annexure P-3) in view of the compromise (Annexure P-4).

Rule heard forthwith consent of learned counsel for the rival parties.

The petitioners were convicted by the learned Trial Court in the aforesaid FIR and against the said judgment and order of conviction the petitioners have filed appeal before the Sessions Court, which is pending for 05.01.2017.

Learned counsel for the complainant, who is present before the Court, submits that the complainant has been suitably compensated by the petitioners-accused and he does not want that the petitioners be sentenced as they are residents of the same village.

In the light of the fact that the petitioners-accused and the complainant are residents of the same village and since they have arrived at compromise and there is no criminal record against any of them, I think the petitioners should be allowed to compound/compromise in respect of compromise in relation to the FIR No.117 dated 06.07.2012 in respect of which the appeal is pending before the Sessions Court.

However, since the entire State machinery was put in motion, the State of Haryana will have to be compensated by the petitioners.

In that view of the matter, the following order is passed:

ORDER

- (i) CRL. MISC. No.M-32504 OF 2016 is allowed.
- (ii) Rule is made absolute in terms of prayer clause, which reads thus:

“It is, therefore, respectfully prayed that FIR No.117 dated 6.7.2012, under Sections 148, 149, 323, 324, 326, 452, 506 IPC, P.S. Hassanpur Distt. Palwal (Annexure P-1) and all subsequent proceedings arising therefrom including judgment of conviction dated 17.12.2015 (Annexure P-3) passed by the Ld.

JMIC, Hodal be quashed on the basis of compromise dated 3.9.2016 (Annexure P-4), in the interest of justice.”

- (iii) Consequently the appellate proceedings are also quashed by way of compounding/compromise, subject to deposit of ₹10,000/- by the petitioners with the Superintendent of Police, Palwal within a period of ten weeks from today. Failing which this order shall come to an end without reference to this Court and the appeal also shall get revived before the appellate Court.

19TH DECEMBER, 2016
‘raj’

(A. B. CHAUDHARI)
JUDGE