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

CRM-M-14852-2017

Date of decision:05.09.2017.

SATISH @ KALE AND ORS

... Petitioners

Versus

STATE OF HARYANA AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ram Kumar Saini, Advocate,
for the petitioners.

Mr. Sandeep Vashisht, DAG, Haryana,
for respondent No.1.

Mr. Mohit Garg, 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.1181 dated 31.12.2016 under Sections 420, 406, 313, 323, 341, 506, 120-B & 34 IPC, registered at Police Station City Hisar, District Hisar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 11.04.2017 (Annexure P-2).

Vakalatnama filed on behalf of respondent No.2 is taken on record.

This Court vide order dated 30.05.2017 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 Judicial Magistrate Ist Class, Hisar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 15.07.2017 to the effect that the parties have entered into the compromise voluntarily and the said compromise on the face of it appears to be genuine.

Respondent No.2-complainant, namely, Savita has made her statement with regard to compromise before learned Magistrate on 03.07.2017. The same is reproduced as under:-

“Stated that I have reached a compromise with the accused in the present case on the intervention of the Biradari Panchyat and other respectable persons of the society. I have entered into the compromise out of my own free will and without any fear or influence of any kind. I have no objection if the FIR is quashed in the instant case.”

Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise between the parties. However, learned counsel for respondent No.2-complainant states that apart from the fact that the matter has been compromised, the parties have filed a petition under Section 13-B of the Hindu Marriage Act for dissolution of the marriage and the first motion has already been recorded.

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.1181 dated 31.12.2016 under Sections 420, 406, 313, 323, 341, 506, 120-B & 34 IPC, registered at Police Station City Hisar, District Hisar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 11.04.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

05.09.2017
sanjeev

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No