

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

CRL. MISC. No.M-23979 OF 2017
DATE OF DECISION : 10th JULY, 2017

Dr. Shivajirao Zombade & others

.... Petitioners

Versus

State of Haryana & another

.... Respondents

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

* * * *

Present : Mr. G. S. Gopera, Advocate for the petitioners.

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A. B. CHAUDHARI, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C. seeking quashing of FIR No.1577 dated 19.12.2012 registered under Sections 323, 324, 307, 506 & 34 IPC and Section 3(i)(x), 3(2)(v) S.C. POA Act, 1989 at Police Station Karnal City, District Karnal, in view of compromise/settlement Annexure P-2.

Notice of motion.

Ms. Tanushree Gupta, DAG, Haryana and Mr. V. K. Sachdeva, Advocate, accept notice on behalf of the State and complainant, respectively.

Heard learned counsel for the rival parties.

Learned counsel for the parties have pointed out to me a memorandum of settlement dated 11.05.2017 Annexure P-2 and its Annexures A & B.

Learned counsel for respondent No.2 submits that there are number of cases, criminal as well as civil, pending between the parties, the list of which is furnished at Annexures-A and B to the said memorandum of

settlement (Annexure P-2). He further submits that the memorandum of settlement has been drawn with the consent of the parties to the dispute with full agreement. The parties have decided to arrive at the compromise and the said memorandum of settlement was drawn so that the parties may live in peace and harmony. The terms and conditions enshrined in the memorandum of settlement and Annexures A & B thereof will be implemented upon this Court allowing the compounding/compromise under its inherent powers. It is further stated by both counsel for the rival parties that the time limit for final implementation of settlement Annexure P-2 has already expired on 15.06.2017 due to the summer vacation and hence would need extension. However, both the counsel for the parties state that the implementation of the memorandum of settlement Annexure P-2 with Annexures A & B shall be made in any case within six weeks from today. Whatever consideration has been agreed by petitioners and respondents for being passed, the same shall be brought into implementation or effect. The same shall be treated as undertaking to this Court.

In that view of the matter, since the parties have number of cases against each other and since they have arrived at compromise, it would be appropriate to allow compounding/compromise as per memorandum of settlement Annexure P-2 with Annexures A & B in terms of the judgment of Apex Court in the case of ***Gian Singh versus State of Punjab 2012 (4) RCR (Criminal) 543.***

In view of the above, I make the following order:

ORDER

- (i) CRL. MISC. No.M-23979 OF 2017 is allowed.
- (ii) The FIR No.1577 dated 19.12.2012 registered under Sections 323, 324, 307, 506 & 34 IPC and Section 3(i)(x), 3(2)(v) S.C.

POA Act, 1989 at Police Station Karnal City, District Karnal, is quashed along with all consequential proceedings, qua the petitioners in view of compounding/compromise as per memorandum of settlement Annexure P-2.

10TH JULY, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>