

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

262

CRM-M-32549 of 2017

Date of Decision:10.11.2017

Sukhraj @ Kaka and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Ms. Sheena Khanna, Advocate,
for Mr. H.P.S.Ishar, Advocate,
for the petitioners.

Mr. Sandeep Vashisht, D.A.G., Haryana.

None for respondent Nos.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.77 dated 12.02.2014 under Sections 323, 324, 326, 341, 506 IPC (Section 326 IPC was added later on), registered at Police Station Ratia, District Fetehabad (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

This Court vide order dated 04.09.2017 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 Sub Divisional Judicial Magistrate, Ratia and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 23.10.2017 to the effect that the parties have compromised the matter. The compromise has been effected between them without any pressure or coercion or undue influence from any side. They have no objection if the FIR in question is quashed.

Though, today no one is present on behalf of respondent No.2-Complainant, namely, Gurmeet Singh, but no prejudice should be caused to him as he has already made a statement with regard to compromise before learned Magistrate on 11.10.2017 to the effect that he has compromised the matter with the accused with their mutual consent and without any pressure or coercion or undue influence and has no objection if the F.I.R. is quashed.

Apart from above, a similar statement has also been made by respondent No.3-Gurpyar Singh, whereby he has shown no objection to the present FIR being quashed.

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 FIR No.77 dated 12.02.2014 under Sections 323, 324, 326, 341, 506 IPC (Section 326 IPC was added later on),

registered at Police Station Ratia, District Fetehtabad (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise (Annexure P-2).

November 10, 2017
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No