

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

CRM-M-36343 of 2016.
Decided on:-27.07.2017.

Rekha @ Vineeta and another

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. M.S. Kathuria, Advocate for
Mr. Rakesh Nehra, Advocate
for the petitioners.

Mr. Naveen Sheoran, DAG, Haryana.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.361 dated 04.06.2012 under Sections 148, 149, 323, 452 and 506 IPC registered at Police Station Jhajjar, District Jhajjar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 30.11.2015 (Annexure P-2).

Vide order dated October 07, 2016, this Court while issuing notice of motion in the case had directed the parties to appear before the trial Court to get their statements recorded in support of the compromise. Accordingly, the trial Court was directed to submit a report regarding genuineness of the compromise so arrived at.

Apart from the complainant himself, his father was also injured in the case, but he was not impleaded as one of the respondents.

Pursuant to order dated October 07, 2016, learned Magistrate had forwarded a report that 22.11.2016 to the effect that the matter has been compromised between the parties. However, while noticing the fact that the father of the complainant, namely, Banwari Lal was also injured in the case and was not arrayed as one of the respondents, this Court vide order dated January 12, 2017 had directed that father of respondent No.2, namely, Banwari Lal would appear before the Chief Judicial Magistrate/Area Magistrate, Jhajjar on 09.02.2017 to get his statement recorded in support of the compromise between the parties.

In compliance of order dated January 12, 2017 passed by this Court, learned Magistrate has forwarded a supplementary report dated 13.02.2017 along with joint statement of the parties, which is signed by injured Banwari Lal as well. In his statement, he has stated that he has compromised the matter and has no objection if the FIR in question is quashed.

Learned State counsel, on instructions from ASI Manjeet, does not dispute the very factum of compromise arrived at between the parties.

I have heard learned counsel for 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 as there is nothing on record to doubt the genuineness of the compromise arrived at between the parties. However, considering the fact that the Court has to pass the repeated orders, some nominal cost should have been

imposed upon the petitioners.

Thus, 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.361 dated 04.06.2012 under Sections 148, 149, 323, 452 and 506 IPC registered at Police Station Jhajjar, District Jhajjar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 30.11.2015 (Annexure P-2) subject to payment of cost of Rs.5,000/- which shall be deposited by the petitioners with the Haryana State Legal Services Authority, Jhajjar.

July 27, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No