

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-37412-2016

Date of decision : 01.02.2017

Jaipal and another

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Kuldeep Sheoran, Advocate
for Mr. Amit Khatkar, Advocate
for the petitioners.

Mr. Sulinder Kumar, DAG, Haryana.

Mr.Manoj Sharma, Advocate
for respondent no.2.

AMOL RATTAN SINGH, J.(ORAL)

By this petition, FIR No.145 dated 11.09.2012, registered against the petitioners at Police Station Julana, for the alleged commission of offences punishable under Sections 323, 452, 506/34 IPC (with Section 325 IPC added later), is sought to be quashed, on the basis of a compromise arrived at between the petitioners-accused and respondents no. 2 & 3, i.e. the complainant and eye-witness.

Vide an order of this Court dated 20.10.2016, the parties were directed to appear before the learned Illaqa Magistrate/trial Court, to get their statements recorded, in terms of the compromise.

Pursuant to the order dated 20.10.2016, the report of the learned Chief Judicial Magistrate, Jind, has been received, stating therein that the statements of the petitioners and respondent no.2, i.e. the

complainant have been recorded, to the effect that they have compromised the matter voluntarily and without any coercion or undue influence. The report further states that no proclamation proceedings are pending against any of the accused in the present FIR.

A copy of the joint statement of the complainant, i.e. respondent no.2 and the petitioners, has also been annexed with the report.

Keeping in view the nature of the offences and fact that the parties have compromised the matter with each other, with the complainant no longer wishing to pursue criminal proceedings, further keeping in mind the ratio of the law laid down by the hon'ble Supreme Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303**, in the opinion of this Court, it would be pointless to continue with criminal proceedings, the parties having fully compromised the matter of their own free will.

Consequently, the petition is allowed and FIR No. 145 dated 11.09.2012, registered against the petitioners at Police Station Julana, for the alleged commission of offences punishable under Sections 323, 452, 506/34 and Section 325 IPC, along with all proceedings arising therefrom, is hereby quashed.

(AMOL RATTAN SINGH)
JUDGE

February 01, 2017.

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No