

CRM-M-39641-2016

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

CRM-M-39641-2016

Date of Decision: April 17, 2017

Tushar

...Petitioner

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Naveen Dahiya, Advocate for
Mr. Shalender Mohan, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Additional Advocate General, Haryana.

Ms. Alisha Soni, Advocate
for respondent No.2-complainant.

AUGUSTINE GEORGE MASIH, J. (Oral):

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.630 dated 01.09.2016, under Section 387 & 506 of the Indian Penal Code, registered at Police Station City Hansi, District Hisar (Annexure P-1) and all subsequent proceedings arising out of the same, in the light of the compromise dated 03.10.2016 (Annexure P-2) entered into between the parties.

In pursuance to the submissions made by the counsel for the petitioner and the prayer made in the petition, notice of motion was issued to the respondent-State as also respondent No.2-complainant-Rajeev Aggarwal on 07.11.2016, which order reads as follows:-

“Prayer made in this petition is for quashing of FIR and

all the consequential proceedings arising therefrom on the basis of the compromise (Annexure P-2) between the parties.

Notice of motion for 16.02.2017.

At this stage, Ms. Alisha Soni, Advocate, has put in appearance on behalf of respondent No.2 and filed vakalatnama which is taken on record. She admits the factum of compromise.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement on 18.11.2016.

The Illaqa Magistrate/Trial Court is directed to submit a report on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR;
- (ii) Whether any accused is proclaimed offender; and
- (iii) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.”

In compliance with the order passed by this Court, report has been submitted by the Additional Civil Judge (Senior Division), Hisar, dated 18.11.2016 (at flag 'A'). As per the said report, the compromise which has been entered into between the parties is voluntary and therefore, the same is genuine and arrived at amicably by the parties.

It is not in dispute that the complainant is the real younger brother of the father of the petitioner (Chacha) and the FIR was primarily registered on the basis of a slip which was found outside the gate of the house of the complainant. The compromise which is in the form of an

affidavit of the complainant-Rajeev Aggarwal-respondent No.2 (Annexure

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P-2) has been accepted by the complainant. It is also asserted that the petitioner was juvenile at the time of registration of the FIR.

In view of the facts and circumstances of the case and especially keeping in view the report submitted by the Additional Civil Judge (Senior Division), Hisar, the present petition is allowed. FIR No.630 dated 01.09.2016, under Section 387 & 506 of the Indian Penal Code, registered at Police Station City Hansi, District Hisar (Annexure P-1) and all subsequent proceedings conducted on the basis thereof are hereby quashed.

Needless to say that the parties shall remain bound by the terms of the compromise and their statements made in the Court below.

April 17, 2017
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No