

In the High Court of Punjab and Haryana at Chandigarh

Criminal Misc. No. M-5634 of 2017

Date of Decision: 21.9.2017

Sunder Lal and others

.....Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. J.S.Hooda, Advocate
for the petitioners.

Mr. Sandeep Vashisht, DAG, Haryana.

Mr. Sandeep Sharma, Advocate for
Mr. Navin Atraya, Advocate
for respondents No. 3 to 8.

HARI PAL VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C. for quashing of F.I.R. No. 336 dated 16.5.2016 under Section 148, 149, 323, 427, 506 IPC (Section 307 IPC added later on), registered at Police Station Camp Palwal, District Palwal, (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise Annexure P-2 (Colly) dated 03.2.2017 .

This Court vide order dated 22.2.2017 had directed the parties to appear before the Illaqa 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 Additional Sessions Judge, Palwal and got their statements

recorded. On the basis of the statements so recorded, learned Additional Sessions, Judge has submitted report dated 6.3.2017 to the effect that the compromise arrived at between the parties is genuine.

Respondent No. 3 to 8, who are the complainant/injured in the case have made a joint statement in support of the compromise before learned Additional Sessions Judge on 06.3.2017. The same is reproduced as under:-

“We are the injured in the present case. We have compromised the present matter with accused Vikrant son of Sanjay, Anish son of Satish Kumar, Sunder son of Dharam Singh, Tarun son of Surinder, Deepak son of Sunder, all residents of Adarsh Colony, Palwal, Tehsil and District Palwal who are facing trial in the present case titled as 'State Vs. Vikrant & others', FIR No. 336 dated 16.05.2016, P.S. Camp Palwal for the offences punishable under Section 148 & under Sections 323, 325, 307, 452, 506, 427, 201 of the Indian Penal Code, 1860 read with Section 149 of the Indian Penal Code, 1860 and with Pankaj son of Sunder Lal, Vipin son of Suresh, Bobby son of Suresh, Satbir son of Mool Chand, Vijay son of Nanak, Amit son of Nanak, Vishal son of Sanjay, Sanjay Numberdar son of Mool Chand (who have not been arrested so far) as well as with their family members, voluntarily, without any force, coercion and undue influence. Now we have no grievances against the accused persons and their family members. We have no objection if the present FIR No. 336 dated 16.5.2016 registered at P.S. Camp Palwal and other consequential proceedings arising therefrom is quashed, by the Hon'ble High Court. The quashing of FIR and further proceedings will also help us in living peacefully and amicably in the society.”

Learned State counsel submits that the offence under Section 307 IPC was added about 27 days after the date of occurrence and even the

parties are neighbours. The case is at the stage of investigation and the charge has still not been framed. There is also a cross-version case registered at the hands of the complainant, which has also been compromised between the parties.

Learned State counsel as well as learned counsel appearing on behalf of respondents No. 3 to 8 have not disputed the factum of compromise 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.

Following the principles laid down by the Hon'ble Supreme Court of India in Narinder Singh and others versus State of Punjab and another 2014(2) RCR (Criminal) 482, and Gian Singh Versus State of Punjab and others (2012) 10 SCC 303, this petition is allowed and the F.I.R. No. 336 dated 16.5.2016 under Section 148, 149, 323, 427, 506 IPC (Section 307 IPC added later on), registered at Police Station Camp Palwal, District Palwal, (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise.

(HARI PAL VERMA)
JUDGE

September 21, 2017

Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No