IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No. M-5841 of 2017(O&M)
Date of Decision : 09.08.2017

Yogesh and others **...Petitioners**

Versus

State of Haryana and others **...Respondents**

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Gautam Dutt, Advocate for the petitioners.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana.

Mr. Karan Pathak, Advocate for respondents No. 2 and 3.

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Anupinder Singh Grewal, J.(Oral)

The petitioners are seeking quashing of FIR No. 337, dated 21.08.2010, under sections 323, 325, 506, 34 IPC, registered at Police Station Sarai Khawaja, District Faridabad and Criminal Complaint Case No. 13 of 2015, dated 15.01.2015, under Sections 148, 149, 323, 325, 326, 307, 506, 452, 34 IPC, on the basis of compromise (Annexure P-4), which has been arrived at between the parties.

The FIR was ordered to be clubbed with the criminal complaint with all subsequent proceedings including framing of charges under Sections 148, 149, 323, 325, 326, 307, 506 IPC.

Learned counsel for the petitioners contends that the FIR and the complaint are offshoot of a minor dispute over water drain between neighbours, which has now been resolved with the intervention of the respectables. Learned counsel further contends that although Section 307 IPC has been added but the injuries are on the non-vital parts of the body of the injured and the injured has fully recovered. He is hale and hearty.

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Learned counsel appearing for respondents No. 2 and 3 states that the matter has indeed been compromised.

A coordinate Bench of this Court vide order dated 23.02.2017 had directed the trial Court to record the statements of the parties with regard to genuineness of the compromise and send a report to this Court. The report of the Additional District and Sessions Judge, Faridabad, dated 04.03.2017, has been received, wherein it is stated that in pursuance to the order of this Court, the statements of the parties were recorded, which indicates that they have entered into compromise voluntarily and without any pressure or undue influence.

The FIR and complaint are offshoot of a minor dispute between neighbours over water drain. The injury which has been mentioned under Section 307 of IPC, is on the non-vital part of the body. The injured is stated to have fully recovered. The matter would be covered by the ratio of judgment of the Supreme Court in the case of ***Narinder Singh and others Vs. State of Punjab and another, (2014) 6 SCC 466*** and it would be in the interest of justice, if the matter be allowed to be compromised to enable the parties to reside in peace and harmony.

Consequently, the petition is allowed and the FIR No. 337, dated 21.08.2010, under Sections 323, 325, 506, 34 IPC, registered at Police Station Sarai Khawaja, District Faridabad and Criminal Complaint Case No. 13 of 2015, dated 15.01.2015, under Sections 148, 149, 323, 325, 326, 307, 506, 452, 34 IPC are quashed qua the petitioners.

(ANUPINDER SINGH GREWAL)
JUDGE

August 09, 2017
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Whether speaking/reasoned? *Yes/No*
Whether reportable? *Yes/No*

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