

234.

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

CRM-M-9799-2017

Date of decision:14.07.2017

MAHADEV & ORS

... Petitioners

versus

STATE OF HARYANA & ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Kartar Singh Malik-I, Advocate,
for the petitioners.

Mr. Naveen Sheoran, DAG, Haryana,
for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.342 dated 16.09.2016 under Sections 323, 34, 341, 427, 506 IPC (Section 325 of IPC is added later on 04.10.2016) at Police Station Shivaji Colony, Rohtak, Haryana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise and affidavit dated 15.11.2016 (Annexures P-2 and P-3 respectively).

This Court vide order dated 23.03.2017 had directed the parties to appear before the 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 Judicial Magistrate Ist Class, Rohtak and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 16.05.2017 to the effect that the compromise effected between the parties seems to be genuine and outcome of free consent of the parties.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Sonu but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 11.05.2017 to the effect that the compromise has been effected with the accused (petitioners) without any pressure and he has no objection if the FIR is quashed.

Learned State counsel has not disputed the factum of compromise between 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 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 F.I.R. No.342 dated 16.09.2016 under Sections 323, 34, 341, 427, 506 IPC (Section 325 of IPC is added later on 04.10.2016) at Police Station Shivaji Colony, Rohtak, Haryana (Annexure P-1) and all subsequent

proceedings arising therefrom are quashed qua the petitioners on the basis of compromise and affidavit dated 15.11.2016 (Annexures P-2 and P-3 respectively).

(HARI PAL VERMA)
JUDGE

14.07.2017
poonam-II/sanjeev

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No