

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

**CRM-M-12091 of 2018
Date of decision:30.04.2018**

Sunder Prakash Chauhan and another

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sunil Panwar, Advocate
for the petitioners.

Mr. Vikas Malik, DAG, Haryana.

Mr. N.S. Shekhawat, Advocate
for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Learned State counsel has filed reply by way of affidavit of Rajeew Kumar, HPS Assistant Commissioner of Police, City Gurugram on behalf of respondent No.1 has been filed in the Court today. The same is taken on record.

Present petition is filed praying for quashing FIR No. 247 dated 14.03.2017 under Sections 323, 376, 498-A, 506, 511 and 34 of the Indian Penal Code registered at Police Station Gurgaon City, Haryana on the basis of compromise entered into between the parties.

2. Heard learned counsel for both the parties and perused the paper book.

3. Both the parties were directed by this Court vide order dated 26.03.2018 to appear before the learned Illaqa Magistrate/ Trial Court and get their statements recorded and the said order reads as under:

“Present petition has been filed praying for quashing of FIR No.247 dated 14.03.2017, under Sections 323, 376, 498-A, 506, 511/34, IPC, registered at Police Station Gurgaon City, District Gurugram, on the basis of compromise entered into between the parties.

Since the dispute is in the family i.e. between father-in-law and daughter-in-law and after investigation, the police has prepared the Cancellation Report and the same is pending for consideration before the competent Authority.

The above factual position is duly acknowledged by learned Counsel for both the sides.

In view of above, the parties are directed to appear before the Court of Illaqa Magistrate/trial Court on **16.04.2018** to get their statements recorded with regard to compromise/settlement. The Illaqa Magistrate/trial Court is directed to submit a report to this Court on or before the next date of hearing containing the following information:-

- 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.

List before this Court on **30.04.2018** for further consideration.

Meanwhile, learned State counsel shall get the instructions in the matter.”

In pursuance of the above order passed by this Court, learned Chief Judicial Magistrate, Gurugram recorded the statements of both the parties and submitted a report dated 24.04.2018 and operative part of the same reads as under:

“With regard to the compromise between the parties, it is respectfully mentioned that in view of the statement of complainant as well as accused person, this Court is also satisfied that the matter has been voluntarily compromised between the accused and the complainant. Parties to the litigation have entered into the settlement/compromise out of their own volition and same is without any pressure or coercion.”

A perusal of the report reveals that the compromise entered into between the parties is voluntary and without any, coercion or undue

influence. Even before this Court also, the parties are not disputing the factum of compromise arrived at between them and they further stated that on account of misunderstanding the above FIR was registered.

4. No objection has been raised by the learned State counsel on a specific query put to him by the Court with regard to quashing of the FIR as well as all other consequential proceedings on the basis of the compromise effected between the parties in this case. It is also submitted by learned State counsel that the cancellation report in this case has already been submitted by the police.

5. In view of the above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public peace or tranquillity as the same was registered on account of some misunderstanding and now everything is settled amicably. Thus quashing of FIR in question along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice. Consequently, the aforesaid FIR and all consequential proceedings resulting therefrom are quashed qua petitioner(s).

6. Petition is allowed.

**(MAHABIR SINGH SINDHU)
JUDGE**

30.04.2018
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| 1. | Whether reportable? | Yes / No |
| 2. | Whether reasoned / speaking? | Yes / No |