

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

Criminal Misc. No. M-12370 of 2018

Date of decision: 14.11.2018

Pardeep @ Pardeep Kumar and another

..Petitioners

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. S.K. Chauhan, Advocate
for the petitioners.

Ms. Tanushree Gupta, DAG, Haryana
for respondent No.1-State.

Mr. Siddharth, Advocate
for respondent No.2.

Daya Chaudhary, J.

Petitioners, namely, Pardeep @ Pardeep Kumar and Somi @ Somdutt, have approached this Court by way of filling the present petition under Section 482 Cr.P.C. for quashing of FIR No.0075 dated 06.02.2018 registered under Sections 323, 365, 377, 506, 511 of Indian Penal Code (for short 'IPC') and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) at Police Station Bhiwani Sadar, District Bhiwani and other subsequent proceedings arising thereof on the basis of compromise arrived at between the parties.

Learned counsel for the petitioners submits that during pendency of the investigation, a compromise has been arrived at between the parties and complainant has no objection in quashing of the FIR and other proceedings arising therefrom. The statements of the parties have also been

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recorded under the directions issued by this Court vide order dated 03.08.2018. There was a misunderstanding between the parties and the same has been resolved now. The compromise arrived at between the parties is without any pressure or coercion from either side.

Learned counsel for respondent No.2 has also affirmed the submissions made by learned counsel for the petitioners with regard to compromise as well as recording of statements of the parties. Learned counsel also submits that respondent No.2 has no objection in quashing of the FIR and other proceedings arising therefrom.

Heard arguments of learned counsel for the parties and have also perused the documents available on the file.

Vide order dated 03.08.2018, the parties were directed to appear before the CJM/Duty Magistrate, Bhiwani on 05.09.2018 or any other date convenient to the concerned authority for getting their statements recorded with regard to compromise arrived at between the parties. It was also directed that the statements of the parties so recorded along with report be sent to this Court after verifying the facts about the genuineness and voluntary nature of the compromise.

In pursuance of said directions issued on 03.08.2018, a report has been sent by Chief Judicial Magistrate, Bhiwani, which is on record wherein factum of compromise has been affirmed. It has also been mentioned that both the accused appeared before the Court and they were not on bail as their arrest was stayed. Complainant-respondent No.2-Kailash has specifically stated in his statement that the matter has been

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compromised with the accused and he has no objection in quashing of the FIR and other proceedings.

By exercising the power conferred under Section 482 Cr.P.C. and since a compromise has been arrived at between the parties and the same has been affirmed by the complainant as he has specifically stated in his statement that he has no objection in quashing of the FIR and other proceedings, no purpose would be served in case proceedings are continued in future as it would amount to wastage of precious time of the Court. Moreover, the compromise arrived at between the parties is genuine, voluntarily effected with free consent and without any pressure, threat or coercion from either side.

Accordingly, the present petition is allowed and the impugned criminal proceedings arising out of FIR No.0075 dated 06.02.2018 registered under Sections 323, 365, 377, 506, 511 IPC and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) at Police Station Bhiwani Sadar, District Bhiwani as well as all subsequent proceedings arising therefrom qua petitioners, namely, Pardeep @ Pardeep Kumar and Somi @ Somdutt, are hereby quashed.

14.11.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned Yes

Whether Reportable No