

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

**CRM-M-1414 of 2018
Date of decision:30.04.2018**

Prashant

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. N.S. Shekhawat, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

Mr. Sunil Panwar, Advocate
for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition is filed praying for quashing FIR No. 233 dated 10.03.2017 under Sections 380, 457 and 506 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.233 dated 10.03.2017, under Sections 380, 457 and 506, IPC, registered at Police Station Gurgaon City, District Gurgaon, on the basis of compromise entered into between the parties.

Although Section 380, IPC finds mentioned in the present FIR but since the matter is between father and the son and learned counsel for both the parties jointly stated that the matter has been compromised between the parties and they are ready to get their statements recorded before the learned trial Court.

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 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.

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.

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 and 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.

30.04.2018
rashmi

(MAHABIR SINGH SINDHU)
JUDGE

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