

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

242

CRM-M-15607-2018

Date of Decision:18.12.2018

Balkesh Rana and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Rajesh Lamba, Advocate,
for the petitioners.

Mr. Anmol Malik, A.A.G., Haryana.

None for respondent No.2.

Mr. Salinder Saini, Advocate for
Mr. Harsh Chopra, Advocate,
for respondent No.3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.185 dated 02.04.2018 (Annexure P-1) under Section 11 of Prevention of Cruelty to Animals Act, 1960 and Sections 147, 149, 323, 452 IPC registered at Police Station Palam Vihar, District Gurugram and all the consequential proceedings arising therefrom on the basis of the compromise-deed dated 10.04.2018/11.04.2018 (Annexure P-2) and affidavit dated 11.04.2018 (Annexure P-3), respectively.

Vide order dated 18.04.2018 when notice was issued in this case, on the oral request of counsel for the petitioners, People for Animals (for short "PFA") Society, Haryana, was impleaded as party-respondent.

Accordingly, Mr. Harsh Chopra, Advocate, had put in appearance on behalf of respondent No.3.-PFA.

This Court vide order dated 10.10.2018 had directed the parties to appear before the trial Court/Illaqa Magistrate 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 1st Class, Gurugram and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 27.11.2018 to the effect that with the intervention of the respectables, the parties have compromised the matter voluntarily and out of their free will and without any force or pressure.

Respondent No.2-Complainant, namely, Ity Sharma, has made a statement with regard to compromise before learned Magistrate on 20.11.2018. The same is reproduced as under:-

“Stated that due to involvement of respectables of the society, I have compromised the matter with the accused mutually without any force and coercion. The FIR may kindly be quashed.”

Learned counsel for the petitioners has pointed out that cross-version recorded vide FIR No.184/2018 against Kabindra Nath Deepak at the behest of petitioner No.1-Balkesh Rana, has already been quashed on the basis of compromise by this Court vide order dated 05.07.2018 passed in **CRM-M-15546-2018 (Kabindra Nath Deepak Versus State of Haryana and another)**.

I have heard learned counsel for the parties.

Considering the fact that the matter has been amicably settled

between the parties, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R as chances of conviction are bleak.

Learned State counsel as well as learned counsel for respondent No.3 have 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 FIR No.185 dated 02.04.2018 (Annexure P-1) under Section 11 of Prevention of Cruelty to Animals Act, 1960 and Sections 147, 149, 323, 452 IPC registered at Police Station Palam Vihar, District Gurugram and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of the compromise-deed dated 10.04.2018/11.04.2018 (Annexure P-2) and affidavit dated 11.04.2018 (Annexure P-3), respectively, subject to payment of costs of ₹25,000/- to be paid within one month from today with respondent No.3-People for Animals, Village Sardana, District Gurugram. The petitioners shall produce certificate/receipt of payment with the Registry.

December 18, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No