

265.

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

CRM-M-19443-2018

Date of decision:03.10.2018.

SONU YADAV AND ANR

... Petitioners

Versus

STATE OF HARYANA AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Arjun Atri, Advocate,
for the petitioners.

Mr. Ripu Daman, AAG, Haryana,
for respondent No.1.

Mr. Chetan Kapoor, Advocate, for
Mr. Arun Sharma, Advocate,
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.577 dated 29.07.2017 registered under Sections 323, 497, 506, 120-B IPC at Police Station Civil Lines, Gurugram, District Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 23.04.2018 (Annexure P-2).

This Court vide order dated 08.05.2018 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 Additional Chief Judicial Magistrate, Gurugram and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 16.05.2018 to the effect that the compromise is genuine, valid and the same is not the result of any pressure or coercion etc. in any manner.

Respondent No.2-complainant, namely, Davin Yadav has made his statement with regard to compromise before learned Magistrate on 10.05.2018 to the effect that he has compromised the matter with the accused without any pressure or coercion and he has no objection in case the present FIR against the petitioners is quashed.

Learned counsel for the petitioners states that even Hon'ble the Apex Court in ***Writ Petition (Criminal) No.194 of 2017*** titled as ***Joseph Shine Versus Union of India*** decided on 27.09.2018 has struck down the provision of Section 497 IPC as unconstitutional being violative of Articles 14, 15 and 21 of the Constitution of India.

Learned State counsel as well as learned counsel appearing on behalf of respondent No.2 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**

registered under Sections 323, 497, 506, 120-B IPC at Police Station Civil Lines, Gurugram, District Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 23.04.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

03.10.2018
sanjeev

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