

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Misc. No. M-19785 of 2017
Date of Decision: 04.9.2018**

Subhash and another

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Arun Kumar, Advocate for
Mr. Vineet Dhanda, Advocate
for the petitioners.

Mr. Arun Kumar, AAG, Haryana

Mr. Vijay Pratap Singh, Advocate
for respondent No. 2.

ANITA CHAUDHRY, J (ORAL)

The instant petition is for quashing of FIR No. 79 dated 25.7.2016 registered under Sections 323, 406, 498-A, 506 IPC, Police Station Titram, District Kaithal (Annexure P-1) and all the consequent proceedings arising out of the same, on the basis of compromise (Annexure P-2) arrived at between the parties.

Petitioner No. 2 had been directed to appear before the Court below to get her statement recorded. The trial Court has reported that petitioner No. 2 is not an accused and her name figures in column No. 2 therefore, her statement has not been recorded.

Statement of the complainant and Subhash had been recorded earlier. Report had been received from the trial Court after statements of the parties were recorded regarding the compromise. The trial Court had

reported that the compromised the matter without any force, coercion or duress. The trial Court has also sent the copy of the statements of the parties.

Learned counsel for the State on instructions submits that petitioner No. 1-Shubhash is the only accused and petitioner No. 2 has been kept in column No. 2 and respondent No. 2 is the only aggrieved person in this FIR.

No useful purpose would be served to keep the FIR pending.

In view of the statements and report of the trial Court and the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, approved by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303**, the instant petition is allowed and the aforesaid FIR and all consequent proceedings conducted on the basis thereof are quashed qua the petitioner No. 1-Subhash as petitioner No. 2 was not challaned.

Needless to say that parties shall remain bound by the terms of compromise and their statements made in the Court below.

(ANITA CHAUDHRY)
JUDGE

September 04, 2018
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No