IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-27898-2018
Date of decision:08.10.2018

Satpal and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

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CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

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Present: Mr. Mikhail Kad, Advocate
for the petitioners.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana
for respondent No.1.

Mr. Neeraj Yadav, Advocate
for respondents No.2 to 6.

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GURVINDER SINGH GILL, J. (ORAL)

Petitioners-Satpal and others seek quashing of FIR No.105 dated 01.06.2011 under Sections 452, 325, 324, 323, 148, 149, 506 of Indian Penal Code, 1860 Police Station Chhappar, District Yamunanagar and subsequent proceeding arising therefrom including judgment of conviction dated 25.07.2016 passed by Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri, whereby the petitioners have been convicted

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for having committed offences punishable under Sections 148, 323, 324, 325, 452 read with Section 149 of Indian Penal Code, 1860 and also order of sentence dated 28.07.2016 whereby petitioners No.1 to 6 have been sentenced to imprisonments for various periods whereas petitioner No.7 has been released on probation

Vide order dated 16.07.2018 the parties had been directed to appear before the trial Court/Illaqa Magistrate so as to get the statements recorded with regard to the genuineness of the compromise.

Report of learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri has been received to the effect that the statements of the complainant party and also of the accused have been recorded to the effect that they have compromised the matter. It has been reported that Rud Chand, Amarjit, Shanti Devi, Raj Kumar and Roshan Lal of the complainant party have all stated that they have arrived at compromise out of their free will and they have no objection, in case, FIR in question is quashed. The petitioners in their separately recorded statements have stated that they have also compromised the matter with the complainant-party. Learned Magistrate has specifically opined that the compromise is genuine and has been effected voluntarily without there being any undue influence or coercion.

In view of the aforesaid compromise and bearing in mind the law laid down by Full Bench of this Court in *2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab*, the petition is allowed and FIR No.105 dated 01.06.2011 under Sections 452, 325, 324, 323, 148, 149, 506 of Indian Penal Code, 1860 Police Station Chhappar,

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District Yamunanagar and subsequent proceeding arising therefrom are quashed qua the petitioners and judgment of conviction dated 25.07.2016 and order of sentence dated 28.07.2016 passed by Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri are hereby set aside.

The petition stands accepted in the above-mentioned terms.

(GURVINDER SINGH GILL)
JUDGE

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Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No

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