

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

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CRM-M No.2911 of 2017
Date of Decision: March 6th, 2018

Manish

.....Petitioner

Versus

State of Haryana and another

....Respondents

CRM-M No.33728 of 2016
Date of Decision: March 6th, 2018

Parveen

.....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. J.P. Jangu, Advocate
for the petitioners.

Mr. Kuldeep Sharma, Deputy Advocate General, Haryana.

Mr. P.R. Yadav, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

By this order, I propose to dispose of two petitions i.e. *CRM-M No.2911 of 2017* titled as *Manish Versus State of Haryana and another* and *CRM-M No.33728 of 2016* titled as *Parveen Versus State of Haryana and another*, where prayer is for quashing of FIR No.785 dated 01.12.2015 registered under Section 436 IPC, at Police Station Sector-10, District Gurgaon and all other consequential proceedings arising therefrom, on the basis of a compromise dated 04.01.2017 and 08.09.2016 respectively, which are in the form of affidavit.

CRM-M No.2911 of 2017 came up for hearing before this Court on 31.05.2017, when the following order was passed:-

“Through the present petition, the petitioner seeks

quashing of FIR No.785, dated 01.12.2015, registered under Section 436 IPC, at Police Station Sector-10, District Gurgaon, alongwith all other consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

The petitioner as also respondent No.2, through their counsel are directed to appear before the Illaqa Magistrate on 07.06.2017, to get their statements recorded to the effect that the compromise has actually been arrived at between them. After recording of the statements, the Illaqa Magistrate would furnish to this Court its report alongwith the recorded statements on or before the adjourned date, clearly opining therein with respect to the veracity of the compromise, if any, between the parties.

The Illaqa Magistrate would also apprise this Court whether the petitioner or any of his co-accused are ever declared as proclaimed offender(s) and if is there any other case pending against him.

Adjourned to 15.09.2017.”

On the basis of the said order, petitioners and complainant-respondent No.2 appeared before the trial Court and got their respective statement recorded on 07.06.2017.

On the basis of the statements made by the parties to the case, Judicial Magistrate Ist Class, Gurugram, has proceeded to submit report dated 14.06.2017. The said Court has proceeded to conclude on the basis of the statement of the parties that the compromise which have been entered into between the parties are voluntary, without any fear, coercion or undue influence.

Counsel for the parties, on the basis of the report of Judicial Magistrate Ist Class, Gurugram, referred to above, submit that the

present petition be allowed.

Counsel for respondent No.2 categorically states that in the light of the compromise which has been entered into between the parties, complainant-respondent No.2 has no objection in case the present FIR which is the subject matter of this case and all consequential proceedings arising therefrom are quashed.

Keeping in view the report submitted by Judicial Magistrate Ist Class, Gurugram, and in view of the fact that the complainant has no objection to the quashing of the FIR as also keeping in view the principles laid down by judgment of Supreme Court in ***Madan Mohan Abbot Versus State of Punjab 2008 (2) RCR (Criminal) 429*** and in ***Criminal Appeal No.1723 of 2017*** titled as ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another***, decided on 04.10.2017, the present petition is allowed and FIR No.785 dated 01.12.2015 registered under Section 436 IPC, at Police Station Sector-10, District Gurgaon and all other consequential proceedings arising therefrom, are hereby quashed.

Copy of this order be placed on the file of connected case.

March 6th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No