

CRM-M-3363-2018 (O&M)

Date of decision : 01.05.2018

Samrat Walia and others

.....Petitioner(s)

versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Ashit Malik, Advocate
for the petitioner(s).

Mr. Arun Kumar, A.A.G., Haryana.

Mr. Vinod K. Kanwal, Advocate
for respondent No.2.

ANITA CHAUDHRY, J(ORAL)

The instant petition is for quashing of FIR No.438 dated 24.12.2017 registered under Sections 323, 354, 376, 379A, 406, 498-A, 506 and 511 of IPC, Police Station Pundri, District Kaithal and the consequent proceedings arising out of the same, on the basis of written compromise arrived at between the parties.

On the last date of hearing it has been submitted by the learned State counsel that the cancellation report has been prepared but has not been submitted. It is a matrimonial dispute and statements of the parties have been recorded.

Report has been received from the trial Court after statements of the parties were recorded regarding the compromise. The trial Court has reported that the compromise is voluntary and without any coercion or undue influence and the compromise is genuine. The trial Court has also sent statements of the parties in original.

Learned counsel for the State on instructions submits that petitioners are the only accused 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 petitioners.

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

(ANITA CHAUDHRY)
JUDGE

01.05.2018

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No