

264.

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

CRM-M-33849-2018

Date of decision:01.11.2018.

DAYANAND & ORS

... Petitioners

Versus

STATE OF HARYANA & ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Jitender Dhanda, Advocate,
for the petitioners.

Mr. Anmol Malik, AAG, Haryana,
for respondent No.1.

None for respondents No.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.642 dated 05.08.2016 registered under Sections 147, 148, 435, 436, 447, 506 IPC at Police Station Sadar Hisar, District Hisar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 04.08.2018 (Annexure P-2).

This Court vide order dated 08.08.2018 had directed the parties to appear before the Illaqa Magistrate/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 District and Sessions Judge, Hisar and got their statements recorded. On the basis of the statements so recorded, learned

Magistrate has submitted report dated 06.09.2018 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Balraj, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 04.09.2018. The same is reproduced as under:-

“Stated that I have compromised the matter with the accused persons in the biradari Panchyat voluntarily, without any fear, undue influence, pressure, coercion. We are living in the village with peace and harmony. I have no objection if the FIR which was got registered on the basis of my statement be quashed in order to avoid further litigation.”

Apart from above, a similar statement has been made by Dharambir i.e. respondent No.3, whereby he has shown no objection in case the FIR is quashed.

Learned counsel for the petitioners states that though initially the offences under Sections 435, 436 IPC were added, but during investigation, the police did not find any material and, therefore, the challan was presented while deleting the Sections 435 and 436 IPC. He further states that now after deletion of Sections 435 and 436 IPC, the FIR survives only under Sections 147, 149, 447, 506 and 511 IPC.

Learned State counsel does not dispute the aforesaid facts.

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 SCC 303**, this petition is allowed and F.I.R. No.642 dated 05.08.2016 registered under Sections 147, 148, 435, 436, 447, 506 IPC (challan presented under Sections Sections 147, 149, 447, 506 and 511 IPC) at Police Station Sadar Hisar, District Hisar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 04.08.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

01.11.2018
sanjeev

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