

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

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CRM-M No.3525 of 2018

Date of Decision: May 8th, 2018

Sandeep Kumar and others

.....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Yogesh Saini, Advocate
for Mr. Mukesh Yadav, Advocate
for the petitioners.

Mr. Sharad Kumar Yadav, Deputy Advocate General,
Haryana.

Mr. Gaurav Gaur, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This case came up for hearing before this Court on 29.01.2018,
when following order was passed:-

“Prayer in the present petition filed under Section 482 of the Cr.P.C. is for quashing of FIR No.192 dated 30.04.2016, registered under Sections 147, 148, 323, 325, 506 IPC, at Police Station Mahendergarh, District Mahendergarh, and all consequential proceedings arising out of the same, in view of the compromise, arrived at between the parties.

Notice of motion.

On the asking of the Court, Mr. Apoorv Garg, Deputy Advocate General, Haryana, accepts notice on behalf of respondent No.1.

Counsel for the petitioners undertakes to supply a complete copy of the petition to the counsel for the State during the course of the day.

*Notice to respondent No.2 for **12.02.2018** to appear before the trial Court, when the date is stated to be fixed there in the case.*

Dasti only.

*Meanwhile, the parties through their counsel are directed to appear before the trial Court on **12.02.2018**, who will record their statements with regard to the compromise on the said date or on any other convenient date. The trial Court is directed to record the statements of both the parties to his satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The trial Court is also directed to send a report, along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any case is pending against either of the parties or not before the next date of hearing. The trial Court shall intimate if any of the the petitioners has been declared as proclaimed offender and also give details about all the accused and injured/victims apart from the complainant.*

*To come up before this Court on **04.04.2018**.*

Copy of this order be sent to the trial Court concerned forthwith for information and compliance.”

In compliance with the above referred to order passed by this Court, parties appeared before the learned Judicial Magistrate Ist Class, Mahendergarh, on 14.02.2018 and got recorded their respective statements.

On the basis of the statements and the documents placed on record, learned Judicial Magistrate Ist Class, Mahendergarh, has submitted his report dated 14.02.2018, wherein it has been held that the compromise, which has been entered into between the parties, is genuine and valid, effected without any pressure, coercion or undue influence.

In the light of the above, counsel for the petitioners prays that the present petition may be allowed by quashing the FIR in question.

Counsel for respondent No.2-complainant-Surender states that

the complainant stands by the compromise dated 16.01.2018 (Annexure P-3) and has no objection in case the present petition is allowed and the FIR which was registered at the behest of the complainant is quashed.

Keeping in view the report submitted by Judicial Magistrate Ist Class, Mahendergarh, 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.192 dated 30.04.2016, registered under Sections 147, 148, 323, 325, 506 IPC, at Police Station Mahendergarh, District Mahendergarh and all other consequential proceedings arising therefrom, are hereby quashed qua the petitioners only.

May 8th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No