

CRM-M-37411-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37411-2017

Date of Decision: 26th February, 2018

Suresh Kumar & another

...Petitioners

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Aditya Yadav, Advocate
for the petitioners.

Mr. Apoorv Garg, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.156 dated 03.08.2017, under Sections 323, 506 & 34 of the Indian Penal Code and 25 of Arms Act, registered at Police Station Kosli, District Rewari (Annexure P-1) and all subsequent proceedings arising therefrom, in the light of the compromise dated 06.09.2017 (Annexure P-2) entered into between the petitioners and respondent No.2 -complainant.

On 06.10.2017, when the case taken up for hearing, following order was passed:-

“Prayer made in this petition is for quashing of
FIR and all the consequential proceedings arising
therefrom on the basis of the compromise between

the parties.

Notice of motion for 15.12.2017.

Meanwhile, the parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement on 10.11.2017.

The Illaqa Magistrate/Trial Court is directed to submit a report on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR;
- (ii) Whether any accused is proclaimed offender; and
- (iii) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.”

In pursuance to the above order passed by this Court, parties had appeared before the Sub Divisional Judicial Magistrate, Kosli, on 10.11.2017 and got recorded their statements, wherein, they stated that a compromise has been entered into between them. After recording the statements, the Sub Divisional Judicial Magistrate, Kosli, has submitted its report dated 15.11.2017, according to which, compromise arrived at between the parties is genuine and voluntary and entered into between the parties without any coercion or undue influence. It has further been stated that none of the petitioners is declared as proclaimed offender.

Despite service, none has put in appearance on behalf of

respondent No.2.

In the light of the fact that the parties have entered into a compromise and keeping in view the report submitted by the Sub Divisional Judicial Magistrate, Kosli, as also the principles laid down by the Hon'ble Supreme Court in *Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482* and the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052*, the present petition is allowed. FIR No.156 dated 03.08.2017, under Sections 323, 506 & 34 of the Indian Penal Code and 25 of Arms Act, registered at Police Station Kosli, District Rewari (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed.

(AUGUSTINE GEORGE MASIH)
JUDGE

26th February, 2018
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No