

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

266

CRM-M-37512-2017

Date of decision: 28.03.2018

Himej Khanna and another

...PETITIONERS

VERSUS

State of Haryana and another

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sandeep Punchhi, Advocate,
for the petitioners.

Mr. Apoorv Garg, Deputy Advocate General, Haryana,
for the State.

Mr. Harsh Bhardwaj Advocate,
for Mr. N.S.Shekhawat, Advocate,
for respondent No. 2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for quashing of FIR No. 275 dated 21.10.2013 (Annexure P-1) under Sections 323/506/427 IPC registered at Police Station Sadar Sirsa and all consequential proceedings arising therefrom in the light of the compromise dated 09.09.2017 (Annexure P-2).

On 21.12.2017, when this case came up for hearing, the following order was passed:-

“ Present petition under Section 482 Cr.P.C. for quashing of FIR No.275 dated 21.10.2013, under Sections 323, 506 and 427 IPC, registered at Police Station Sadar, Sirsa, on the basis of compromise dated 09.09.2017 (Annexure P-2).

Mr. N.S. Shekhawat, Advocate has put in appearance on behalf of respondent No.2 and filed power of attorney, which is taken on record.

Learned counsel for the parties contended that the parties have amicably settled their disputes with the intervention of respectable of the village. In view of the matter, the parties are directed to appear before the trial Court/Area Magistrate on 16.01.2018 for getting their statements recorded with regard to the compromise arrived at between them.

The trial Court is directed to indicate (i) how many total accused are there/facing the trial, (ii) status/stage of the trial/case, (iii) to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise (iv) whether any accused has been declared as proclaimed offender in this case and to send its report to this Court through District and Sessions Judge, before the next date of hearing.

Adjourned to 06.02.2018.”

In compliance with and in accordance with the order passed by this Court, the parties appeared before the JMIC, Sirsa on 16.01.2018 and got recorded their respective statements. In the light of the statements given by the parties, the learned JMIC, Sirsa has submitted report dated 19.01.2018. As per the said report, none of the petitioners are proclaimed offender. The Court is satisfied that the compromise entered into between the parties is out of their own free will without any pressure, meaning thereby that the settlement is genuine.

Counsel for the petitioners as also the counsel for the complainant-respondent No. 2, in the light of the report of the JMIC, Sirsa, referred to above, pray for allowing the present petition. Counsel for the complainant acknowledges the factum of compromise, which has been entered into between the parties and further states that the complainant has no objection in case the FIR registered at her behest is quashed along with all consequential proceedings arising therefrom.

In the light of the above and keeping in view the ratio of the judgment of the Supreme Court in **Narinder Singh vs. State of Punjab**, 2014 (2) RCR (Criminal) 482 and Full Bench judgment of this Court in **Kulwinder Singh and others vs. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 and Crl. Appeal No. 1723 of 2017 titled as **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur vs. State of Gujarat and another**, decided on 04.10.2017, the present petition is allowed. FIR No. 275 dated 21.10.2013 (Annexure P-1) under Sections 323/506/427 IPC registered at Police Station Sadar Sirsa and all consequential proceedings arising therefrom are hereby quashed.

March 28, 2018
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No