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

CRM-M-39531-2018

Date of decision:05.12.2018

SURJIT SINGH AND OTHERS

... Petitioners

Versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

Mr. Ripu Daman, AAG, Haryana,
for respondent No.1.

Mr. Lajpat Sharma, Advocate,
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.16 dated 26.01.2014 registered under Sections 323, 324, 326, 506, 34 of IPC at Police Station Bilaspur, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 31.08.2018 (Annexure P-2).

This Court vide order dated 10.09.2018 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 Sub Divisional Judicial Magistrate, Bilaspur, Yamuna Nagar and

got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 16.10.2018 to the effect that the compromise is genuine and has been effected between the parties without any pressure.

Respondent No.2-Manju Devi as well as respondent No.3-Sanjeev have made a joint statement (along with the petitioners) with regard to compromise before learned Magistrate on 08.10.2018. The same is reproduced as under:-

“ Stated that the complainant party got registered FIR No.16, dated 26.01.2014 against the accused for commission of offence punishable under Sections-323, 324, 326, 506 read with Section 34 IPC, however, with the intervention of respectables, friends and relatives of the parties, the matter has been compromised and now the parties do not carry any grudge against each other. It is submitted that on the basis of compromise, the parties have jointly approached the Hon'ble High Court by way of CRM-M-39531 of 2018 under Section 482 Cr.P.C. for quashing of the FIR. Copy of the compromise effected between the parties is annexed as Ex.C1. All the parties acknowledge the compromise to be correct and that it has been voluntarily executed. The complainant party has no objection, if the present FIR is quashed by the Hon'ble High Court on the basis of compromise. The parties shall maintain peace, law and order in future and shall ensure that no such situation shall arrive in the future.”

Learned State counsel as well as respondents No.2 and 3 have not disputed the factum of compromise between the parties.

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.16 dated 26.01.2014 registered under Sections 323, 324, 326, 506, 34 of IPC at Police Station Bilaspur, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 31.08.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.5,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within 15 days from today.

(HARI PAL VERMA)
JUDGE

December 05, 2018

Jyoti-1 Whether speaking/reasoned Yes/No Whether reportable Yes/No