

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

CRM-M-40543-2016 (O&M)

Decided on: 06.03.2018

Rohtash and others

.... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present:- Mr. Shiva Khurmi, Advocate, for
Mr. Sarfraj Hussain, Advocate,
for the petitioner.

Mr. Satish Saini, DAG, Haryana.

Mr. Vishal Mittal, Advocate,
for complainant.

AUGUSTINE GEORGE MASIH, J (ORAL)

The present petition has been filed by the petitioners for quashing of FIR No.509 dated 06.08.2016 registered under Sections 323 and 379-B IPC, at Police Station Sector 10, Gurgaon, District Gurgaon, and all consequential proceedings arising therefrom on the basis of a compromise dated 14.10.2016 (Annexure P-2).

On 15.11.2017, when this case came up for hearing, following order was passed:-

“ Heard.

Notice of motion.

On asking of the Court, Mr. Munish Sharma, Asstt. Advocate General, Haryana accepts notice on behalf of respondent No.1-State.

Mr. Amardeep Hooda, Advocate has put in appearance on his own on behalf of respondent No.2 and

filed his *vakalatnama* today in the Court. Same is taken on record.

In the light of contentions that the parties have since then effected compromise, they are directed to put in appearance before the Illaqa Magistrate, Police Station Sector 10, District Gurgaon within 15 days from today to record their statements and the Illaqa Magistrate shall make report as to its satisfaction and submit it back before the next date of hearing. The magistrate shall also intimate if any of the parties to this petition has been declared as Proclaimed Offender.

List on 18th May, 2017.”

In compliance with the said order, parties appeared before the Judicial Magistrate Ist Class, Gurgaon on 29.11.2016 and gave their respective statements. On the basis of the statements which have been given by the parties, learned Judicial Magistrate Ist Class, Gurgaon has submitted report dated 30.11.2016, wherein it has been concluded that both the parties have compromised the matter in dispute voluntarily and without any fear, coercion or undue influence. It has also been stated that none of the accused is a proclaimed offender.

Keeping in view the fact that the matter has been amicably resolved and the complainant-respondent does not want to pursue the FIR which has been registered against the petitioner at his behest as also keeping in view 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*** as also the judgment of Supreme Court in ***Narinder Singh and others Versus State of Punjab 2014 (2) RCR (Criminal) 482***, the present petition is allowed and FIR No.509 dated 06.08.2016 registered under Sections 323 and 379-B IPC, at Police Station Sector 10, Gurgaon,

District Gurgaon, and all consequential proceedings arising therefrom, are hereby quashed.

(AUGUSTINE GEORGE MASIH)
JUDGE

06.03.2018
Dinesh

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