

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

CRM-M- 40747 of 2018.

Decided on:- December 10, 2018.

Mohit and others

.....Petitioners.

Versus

State of Haryana and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Baljeet Beniwal, Advocate
for the petitioners.

Mr. Ripu Daman, A.A.G., Haryana.

Mr. Jagdeep Singh, Advocate
for respondents No.2 to 4.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of the FIR No.60 dated 24.02.2018 under Sections 148, 149, 323, 395, 397 and 506 IPC registered at Police Station Bhupani, District Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 24.04.2018 (Annexure P-2).

This Court vide order dated 17.09.2018 had directed the parties to appear before the trial Court/Illaq Magistrate to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioners as well as respondents No.2 to 4 have appeared before learned Judicial Magistrate 1st Class, Faridabad and got their statements recorded on 26.10.2018. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 13.11.2018 to the effect that the compromise is genuine, voluntary and without any coercion and undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Vinod. Respondents No.3 and 4 are injured in the case. The joint statement made by respondents No.2 to 4 in support of the compromise before learned Magistrate on 26.10.2018 reads as under:

“Stated that the present case FIR No.60 dated 24.02.2018 under Section 148, 149, 323, 395, 397, 506 IPC P.S. Bhupani, Faridabad was got registered. Now, due to the intervention of the respectable persons of the society the matter has been compromised between the parties amicably and voluntarily without any force, pressure or any sort of undue influence. No grievance remains against the accused qua the complaint. I do not want to pursue the present case/FIR against the accused persons Mohit, Manish, Parveen, Ankit, Deepak and Devender. I have no objection if the instant FIR be quashed.”

Learned State counsel and learned counsel for respondents No.2 to 4 have not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

Thus, 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*, the present petition is allowed and the FIR No.60 dated 24.02.2018 under Sections 148, 149, 323, 395, 397 and 506 IPC registered at Police Station Bhupani, District Faridabad (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 24.04.2018 (Annexure P-2), however, subject to payment of costs of Rs.10,000/- to be paid to the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh within a period of 15 days from today.

December 10, 2018

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No