

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

259

CRM-M-415-2018

Date of Decision:27.07.2018

Sandeep and another

.....Petitioners

Versus

State of Haryana and another

.....Respondents

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

**Present: Mr. Balram Prashar, Advocate for
Mr. Jagmohan Ghuman, Advocate,
for the petitioners.**

Mr. A.S. Chaudhary, Addl. A.G., Haryana.

**Mr. L.S. Sekhon, Advocate for
Mr. Neeraj Jain, Advocate,
for respondent No.2.**

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.805 dated 23.12.2015 under Sections 323, 325, 326, 341, 379, 379-B, 506, 34 IPC, registered at Police Station Bilaspur now Police Station Manesar, District Gurgaon (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.12.2017 (Annexure P-2).

This Court vide order dated 05.02.2018 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 Addl. District & Sessions Judge, Gurgaon and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 26.02.2018 to the effect that the parties have compromised the matter. The compromise is genuine, voluntary and without any coercion or undue influence.

Respondent No.2-Complainant, namely, Kanwar Singh, has made a statement with regard to compromise before learned Magistrate on 26.02.2018. The same is reproduced as under:-

“Stated that accused Sandeep is my brother and Jitender is my nephew. Raj Kumar my brother, who was also an accused, has since expired during trial. Sandeep and Jitender have assured that in future they will not misbehave with me. On their assurance, I have decided to exonerate them by way of entering into compromise. The compromise has been entered voluntarily and without any coercion or undue influence.”

Learned State counsel as well as learned counsel for respondent No.2 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 FIR No.805 dated 23.12.2015 under Sections 323, 325, 326, 341, 379, 379-B, 506, 34 IPC, registered at Police Station Bilaspur now Police Station Manesar, District Gurgaon

(Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 16.12.2017 (Annexure P-2).

July 27, 2018
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(HARI PAL VERMA)
JUDGE

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