

CRM-M-45482-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45482-2017

Date of Decision: 8th March, 2018

Sunil Kumar

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sunil K. Tandon, Advocate
for the petitioner.

Mr. Munish Dev Sharma, AAG, Haryana.

Mr. Aakash Juneja, Advocate
for respondents No.2 and 3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.180 dated 11.07.2017, under Sections 323 and 506 of the Indian Penal Code, registered at Police Station Parao, District Ambala (Annexure P-1) and all subsequent proceedings arising therefrom, in the light of the compromise dated 25.11.2017 (Annexure P-2) entered into between the petitioner and respondents No.2 and 3.

The case came up for hearing before this Court on 30.11.2017, when following order was passed:-

“Notice of motion.

At this stage, Mr. Ankash Juneja, Advocate, has appeared and filed vakalatnama on behalf of respondent Nos.2 and 3. On the asking of the Court, Mr. B.S. Virk, DAG, Haryana, has accepted notice on behalf of

respondent(s)-State. Copies of the paper book alongwith documents have been supplied to the said counsel.

Service is complete.

Learned counsel for the petitioner as well as learned counsel for respondent Nos.2 and 3 state that compromise has been effected between the parties.

Now the parties are directed to appear before the learned trial Court where the case is pending on 15.01.2018 and to get recorded their statements regarding compromise and after recording their statements, learned trial Court, is directed to send the report regarding the genuineness of compromise on or before the date fixed i.e. 15.02.2018.

A copy of this order be sent to learned trial Court, through fax, for compliance.”

In compliance with the above order passed by this Court, parties had appeared before the Judicial Magistrate First Class, Ambala, on 15.01.2018. On the basis of the statements which have been given by the parties, the Magistrate has come to a conclusion that compromise dated 25.11.2017 (Annexure P-2) entered into between the parties is genuine and voluntary.

In the light of the report of the Judicial Magistrate First Class, Ambala and keeping in view the fact that a compromise has been entered into between the parties, which is informed to be genuine, counsel for the petitioner as also respondents No.2 and 3 submit that the present petition may be allowed. Counsel for respondents No. 2 and 3 states that respondents No.2 and 3 have no objection in case the FIR, which was registered on their behalf, is quashed as they do not want to pursue the

matter any further in the light of the compromise.

Keeping in view the factum of compromise having been entered into between the parties dated 25.11.2017 (Annexure P-2), which has been found to be genuine as per the report of the Judicial Magistrate First Class, Ambala and the dispute primarily being between the husband and wife, which has amicably been resolved and now they are living in the same house, it would be interest of justice that the FIR be quashed so that they can live happily with each other.

In the light of the above fact and circumstances of the case and the ratio of latest judgment of the Hon'ble Supreme Court in *Criminal Appeal No.1723 of 2017*, titled as '*Parbatbhati Aahir @ Parbhabhai Bhimsinhbhai Karmur & others Vs. State of Gujarat & another*', decided on 04.10.2017 and in the judgment of *Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482* as also the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052*, the present petition is allowed. FIR No.180 dated 11.07.2017, under Sections 323 and 506 of the Indian Penal Code, registered at Police Station Parao, District Ambala (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed.

(AUGUSTINE GEORGE MASIH)
JUDGE

8th March, 2018
Harish

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