

204.

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

CRM-M-6584-2016

Date of decision:21.11.2018

GANGA RAM AND OTHERS

... Petitioners

Versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. N.D. Achint, Advocate,
for the petitioners.

Mr. Anmol Malik, AAG, Haryana,
for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.227 dated 19.07.2015 registered under Sections 307, 323, 325, 506, 120-B, 34 IPC at Police Station Sector 17/18, Gurgaon (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 14.02.2016 (Annexure P-2).

This Court vide order dated 21.02.2017 had directed the parties to appear before the 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 Additional District & Sessions Judge, Gurugram and got their

Additional Sessions Judge has submitted report dated 27.03.2017 to the effect that the compromise effected between the parties is genuine, voluntarily and without any pressure or coercion.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Amit Yadav, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Additional Sessions Judge on 27.03.2017. The same is reproduced as under:-

“Stated that I have entered into a compromise with the accused Ganga Ram S/o Sh. Phool Singh, Gajpal Singh Rana S/o Sh. Jagat Singh, Hemant @ Dabbu S/o Sh. Virender Singh, Harish Pardhan @ Kishan S/o Nemai @ Nimani Pardhan and Sunil Kataria S/o Sh. Ishwar Singh, out of my own free will and without any pressure or coercion from any quarter. Now, I have no grudge or any grievance against the accused persons. The compromise has taken place due to intervention of respectables of the village, friends and relatives. The compromise shall be in the larger interest of both the parties.

I am the only injured witness and on my complaint, the FIR was registered. The two witnesses of the incident namely Mukesh and Pardeep were my employees and now they have left the job and their whereabouts are not known at present. There is no other injured witness in the present case. Copy of my identity proof is Mark-A1.

I have no objection in case the FIR No.227 dated 19.7.2015 U/ss 323/325/506/307/120-B/201 IPC P.S. Sector-17/18, Gurgaon (now Gurugram) is quashed against all the accused.”

Learned counsel for the petitioners states that the matter has been compromised between the parties. The present petition was filed when prosecution evidence had not even started. He further states that the injured Amit Yadav has adequately been compensated. He has argued that though the case has been registered under Section 307 IPC, but since there is no firearm injury, there is no impediment to quash the FIR in view of law laid down by the Hon'ble Apex Court in ***Narinder Singh & others Versus State of Punjab and another 2014(2) R.C.R. (Criminal) 482.***

Learned State counsel, on instructions from ASI Hari Krishan, has argued that considering the fact that out of total 19 witnesses cited by the prosecution as many as 10 witnesses have already been examined and it being a case under Section 307 IPC, the matter cannot be compromised in view of ***Narinder Singh 's case*** (supra). However, he does not dispute the factum of compromise between the parties.

Since the matter has been compromised between the parties, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R as chances of conviction are bleak.

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*** as well as in ***Narinder Singh's case*** (supra), this petition is allowed and F.I.R. No.227 dated 19.07.2015 registered under Sections 307, 323, 325, 506, 120-B, 34 IPC at Police Station Sector 17/18, Gurgaon (Annexure P-1) and all subsequent proceedings arising therefrom are

(Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- 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

21.11.2018
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No