

271.

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

CRM-M-49853-2017

Date of decision:16.07.2018.

VIKAS AND ORS

... Petitioners

Versus

STATE OF HARYANA AND ORS.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

Mr. Ashok S. Chaudhary, Additional Advocate General,
Haryana, for respondent No.1.

None for respondent Nos.2 to 4.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.0310 dated 17.09.2017 under Section 3 (xi) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 147, 149, 323, 452, 506 IPC, registered at Police Station Narnaund, District Hansi (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 26.10.2017 (Annexure P-2).

This Court vide order dated 14.02.2018 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 and Sessions Judge, Hisar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 07.03.2018 to the effect that the compromise effected between the parties is genuine, valid, voluntarily, without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Anita but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 05.03.2018. The same is reproduced as under:-

“Stated that I have compromised the matter with all the accused persons amicably. Now I have no grudge against them. My compromise with accused persons is genuine, voluntary and without any coercion or undue influence. I do not want to proceed further with the present case against the accused persons. I have no objection if present FIR be quashed against accused persons.”

Apart from above, similar statements have been made by the injured and eyewitness, namely, Rohtash son of Shri Bhalla Ram and Satyawan son of Arjun who are respondent Nos.3 and 4 respectively, whereby they have shown no objection to the FIR being quashed.

Learned State counsel has 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 F.I.R. No.0310 dated 17.09.2017 under Section 3 (xi) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 147, 149, 323, 452, 506 IPC, registered at Police Station Narnaund, District Hansi (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/affidavit dated 26.10.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

16.07.2018
sanjeev

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