

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

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CRM-M No.6140 of 2017

Date of Decision: January 8th, 2018

Mandeep Singh and others

.....Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Gaurav Sethi, Advocate
for Mr. Vivek Goyal, Advocate
for the petitioners.

Mr. Apoorv Garg, Deputy Advocate General, Haryana.

Mr. Pardeep Kumar Sehrawat, Advocate
for respondent Nos.2 and 3.

AUGUSTINE GEORGE MASI, J. (ORAL)

The present petition has been filed by the petitioners, who are accused in FIR No.122 dated 28.07.2016 under Sections 148, 149, 323, 324, 427, 452, 506 IPC, later on added Section 325/326 IPC and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Babain, District Kurukshetra, for quashing the said FIR and all the consequent proceedings arising therefrom in the light of a compromise dated 14.10.2016 (Annexure P-2) arrived at between the parties.

On 27.02.2017, when this case came up for hearing, following order was passed:-

“Heard.

Notice of motion.

*On asking of the Court, Mr. Munish Sharma, Asstt.
Advocate General, Haryana accepts notice on behalf of
respondent No.1-State. A copy of the paper book be supplied*

to him.

Mr. Pardeep Sehrawat, Advocate has put in appearance on his own on behalf of respondents No.2 and 3 and filed his vakalatnama today in the Court. Same is taken on record.

In the light of contentions that the parties have since then effected compromise, they are directed to put in appearance before the Illaqa Magistrate, Police Station Babain, District Kurukshetra within 15 days from today to record their statements and the Illaqa Magistrate shall make report as to its satisfaction and submit it back before the next date of hearing. The Magistrate shall also intimate if any of the parties to this petition has been declared as Proclaimed Offender.

List on 30th August, 2017”.

In pursuance to the order passed by this Court, report has been received from the Judicial Magistrate Ist Class, Shahabad, wherein he has recorded the statements of respondent No.2-Kanwar Pal, the complainant and respondent No.3-Anita wife of Kanwar Pal, who is the injured, wherein they have supported the fact of a compromise having entered into between the petitioners and respondents 2 and 3. They have asserted before the Judicial Magistrate Ist Class, Shahabad, that with the intervention of the respectables of the society and the relatives of the parties, compromise has been entered into between the parties, copy whereof has been placed on record as Annexure P-2, which is without any pressure or coercion or fear of any kind, rather it has been effected on their own free will to maintain harmony in the society for the well being of the village. Respondents 2 and 3 have further stated that they have no objection to the quashing of the FIR and the consequential proceedings against the accused-petitioners.

Learned Judicial Magistrate Ist Class, Shahabad, has further submitted in his report that none of the petitioners, who are accused, are proclaimed offenders and that the compromise has been entered into between the parties by free will and consent of both the parties. No pressure, fear, force, inducement or threat has been found in the said process of the compromise which is quite genuine and effected voluntarily between the parties and by the parties.

In view of the above report of the Judicial Magistrate Ist Class, Shahabad, and also keeping in view the facts and circumstances of the present case as also 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***, the present petition is allowed and FIR No.122 dated 28.07.2016 under Sections 148, 149, 323, 324, 427, 452, 506 IPC, Section 325/326 IPC and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Babain, District Kurukshetra, and all consequential proceedings arising therefrom, are hereby quashed.

January 8th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No