

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

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CRM-M No.5699 of 2018

Date of Decision: May 31st, 2018

Inderjit alias Tabla and another

.....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Shiv Kumar, Advocate
for the petitioners.

Mr. Kuldeep Sharma, Deputy Advocate General, Haryana.

Mr. H.C. Walia, Advocate
for respondent No.2-complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

When the case came up for hearing before this Court on
09.02.2018, following order was passed:-

*“Prayer made in this petition is for quashing of
FIR No.943 dated 27.12.2017 registered under Section 379-B
IPC at Police Station Sector 55, Faridabad as well as all the
subsequent proceedings arising therefrom on the basis of
compromise.*

Notice of motion for 03.04.2018.

*Mr. H.C. Walia, Advocate appears on behalf of
respondent No.2.*

*In the meanwhile, parties are directed to appear
before the trial Court/Illaq Magistrate on 21.02.2018 and
the trial Court/Illaq Magistrate, after recording their
statements, shall submit its report with regard to genuineness
of the compromise viz-a-viz. number of accused persons
involved in this case and whether any of the accused has
been declared proclaimed offender or not, on or before the
adjourned date ”*

In compliance with the said order, parties appeared before the Judicial Magistrate Ist Class, Faridabad, on 21.02.2018 and got recorded their respective statements.

In pursuance to the said statements, Judicial Magistrate Ist Class, Faridabad, has submitted his report dated 22.02.2018, according to which the compromise which has been arrived at between the accused and the complainant is voluntary, without any threat, pressure, undue influence, by their own sweet will. The statements have been found to be genuine and voluntary. It has further been stated that the complainant has no objection if the FIR is quashed.

Counsel for the petitioners, in the light of the report of the Judicial Magistrate Ist Class, Faridabad, prays that the present petition may be allowed by quashing the FIR in question along with all consequential proceedings arising therefrom.

Counsel for respondent No.2-complainant does not object to the said prayer, rather asserts that the compromise which has been entered into between the parties still holds good.

In view of the above, keeping in view the principles laid down by judgment of Supreme Court in ***Madan Mohan Abbot Versus State of Punjab 2008 (2) RCR (Criminal) 429*** and in ***Criminal Appeal No.1723 of 2017*** titled as ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another***, decided on 04.10.2017, the present petition is allowed and FIR No.943 dated 27.12.2017 registered under Section 379-B IPC at Police Station Sector 55, Faridabad, and all

consequential proceedings arising therefrom, are hereby quashed qua the petitioners only.

May 31st, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No