

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

269

CRM-M No.6312 of 2018  
Date of Decision: May 4<sup>th</sup>, 2018

Sonu and others

.....Petitioners

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Ms. Sunita Namdiar, Advocate  
for Mr. Abhimanyu Singh, Advocate  
for the petitioners.

Mr. Kuldeep Sharma, Deputy Advocate General, Haryana.

Mr. Sarvesh Kumar Gupta, Advocate  
for respondents No.2 and 3.

**AUGUSTINE GEORGE MASIH, J. (ORAL)**

This Court on 15.02.2018 passed the following order:-

*“Prayer in the present petition filed under Section 482 of the Cr.P.C. is for quashing of FIR No.40 dated 05.04.2017 (Annexure P-1), registered under Sections 147, 148, 149, 323, 341, 506 and 509 of the IPC and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Bond Kalan, District Bhiwani, and all consequential proceedings arising therefrom, on the basis of a compromise dated 03.02.2018 (Annexure P-2) arrived at between the parties.*

*Notice of motion.*

*On the asking of the Court, Mr. Sharad Kumar Yadav, Deputy Advocate General, Haryana, accepts notice on behalf of respondent No.1.*

*Counsel for the petitioners has handed over a copy of the petition to the counsel for the State in Court.*

*Mr. Gurinder Pal Singh, Advocate, puts in appearance on behalf of respondent No.2.*

*Counsel for the complainant states that indeed a compromise dated 03.02.2018 has been entered into between*

*the parties.*

*Counsel for the petitioners states that the parties would appear before the trial Court on 16.03.2018, the date already fixed there, along with respondents 3 to 5 and give their statements with regard to the compromise having been entered into between the parties on the said date.*

*In view of the statement made by the counsel for the petitioners, the parties are directed to appear before the trial Court on **16.03.2018** for recording of their statements with regard to the above referred compromise on the said date or on any other date convenient to the Court.*

*The trial Court is directed to record the statements of all the accused, complainant/injured and victim, if any, and submit a report along with the recorded statements before the next date of hearing containing the following information:-*

- (i). Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner?*
- (ii). Whether the compromise effected between the parties is genuine and valid?*
- (iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).*
- (iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.*
- (v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.*

*To come up before this Court on **04.05.2018**.*

*Copy of this order be sent to trial Court concerned forthwith for information and compliance.”*

In pursuance to the order passed by this Court, parties appeared before the learned Additional Sessions Judge, Charkhi Dadri, on 20.03.2018 and got recorded their respective statements.

On the basis of the said statements, a report dated 01.05.2018

has been submitted by the learned Additional Sessions Judge, Charkhi Dadri, according to which the compromise, which has been entered into between the parties, is genuine, without any coercion or pressure and that the parties belong to the same village and it has been entered into with an intention to maintain brotherhood in the village and to avoid further litigation between the parties.

Counsel for the petitioners, in the light of the compromise dated 03.02.2018 (Annexure P-2) , which has been entered into between the parties, as also the report of learned Additional Sessions Judge, Charkhi Dadri, submits that the present petition be allowed and the FIR in question and all consequential proceedings arising therefrom may be quashed.

Reply by way of affidavit of Dalip Singh, HPS, Deputy Superintendent of Police, Badhra, District Dadri, has been filed in Court, which is taken on record.

In the light of the report submitted by learned Additional Sessions Judge, Charkhi Dadri, wherein the conclusion is that the compromise dated 03.02.2018 (Annexure P-2) entered into between the parties is genuine with an intent to restore brotherhood and bring an end to the litigation between the parties, who belong to the same village, it would be in the interest of justice and of the society as a whole as also that the lis between the parties will come to an end.

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.40 dated 05.04.2017 registered under Sections 147, 148, 149, 323, 341, 506 and 509 of the IPC and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Bond Kalan, District Bhiwani, and all other consequential proceedings arising therefrom, are hereby quashed qua the petitioners.

**May 4<sup>th</sup>, 2018**  
*Puneet*

**(AUGUSTINE GEORGE MASIH)**  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No