

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

270

CRM-M No.7262 of 2018

Date of Decision: May 4th, 2018

Dharampal and others

.....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Parijat Gaur, Advocate
for the petitioners.

Mr. Kuldeep Sharma, Deputy Advocate General, Haryana.

Mr. Mohit Rana, Advocate
for Mr. Tarurag Gaur, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASI, J. (ORAL)

On 20.02.2018, following order was passed by this Court:-

“Prayer in the present petition filed under Section 482 of the Cr.P.C. is for quashing of FIR No.3 dated 02.01.2014 (Annexure P-1), registered under Sections 323, 342, 506, 34 IPC, at Police Station Murthal, District Sonapat, and all consequential proceedings arising therefrom, on the basis of a compromise.

Notice of motion.

On the asking of the Court, Mr. Apoorv Garg, Deputy Advocate General, Haryana, accepts notice on behalf of respondent No.1.

Counsel for the petitioners undertakes to supply a copy of complete paper book to the counsel for the State during the course of the day.

Mr. Tarurag Gaur, Advocate, has filed power of attorney on behalf of respondent No.2, who is the complainant. He accepts the factum of compromise having been entered into between the parties on 03.02.2018 (Annexure P-2). Counsel further contends that the complainant has no objection in case the FIR registered at

her behest is quashed by this Court in the light of the compromise.

Counsel for the parties state that the next date of hearing before the trial Court is 28.03.2018, when the parties would appear before the trial Court and get their statements recorded with reference to the compromise dated 03.02.2018 (Annexure P-2).

*In view of the above, the parties are directed to appear before the trial Court on **28.03.2018** 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 said order, parties appeared before the Judicial Magistrate Ist Class, Sonapat, on 10.04.2018 and got recorded their respective statements.

In pursuance to the said statements, report dated 17.04.2018 has

been submitted by the learned Judicial Magistrate Ist Class, Sonapat, wherein it has been concluded that the compromise which has been entered into between the parties is a result of bona fides, not amenable to any pressure or coercion or undue influence. The compromise effected between the parties is genuine and valid and the complainant does not want to pursue the FIR in question, which is the outcome of her complaint.

Counsel for the petitioners as also respondent No.2-complainant pray that the present petition be allowed 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 Judicial Magistrate Ist Class, Sonapat.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that the matter has been amicably resolved and the complainant does not want to pursue the FIR which was registered at her behest, further the report of the Judicial Magistrate Ist Class, Sonapat, also finds the compromise to be genuine and valid, it would be in the interest of justice that the dispute between the parties is given a decent burial so that there be no grudge in future which would be for the betterment of the society as a whole apart from the parties to the litigation.

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.3 dated 02.01.2014 registered under Sections 323, 342, 506, 34 IPC at Police Station Murthal, District Sonapat, and all other consequential proceedings arising therefrom, are hereby quashed qua the petitioners.

May 4th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No