

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

128+273

CRM No.17815 of 2018 and
CRM-M No.7291 of 2018

Date of Decision: May 21st, 2018

Harjit Singh

.....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R.S. Budhwar, Advocate
for the petitioner.

Mr. Kuldeep Sharma, Deputy Advocate General, Haryana.

Ms. Parveen Maan, Advocate
for applicants-respondents No.2 to 4.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CRM No.17815 of 2018

Prayer in this application is for permission to place on record the affidavits of Kamaljeet Kaur wife of Late Sh. Swaran Singh and Mandeep Kaur daughter of Late Sh. Swaran Singh as Annexures A-1 and A-2.

Application is allowed subject to just exceptions.

Annexures A-1 and A-2 are taken on record.

CRM-M No.7291 of 2018

On 20.02.2018, when this case came up for hearing, following order was passed:-

“Prayer in the present petition filed under Section 482 of the Cr.P.C. is for quashing of FIR No.88 dated 24.04.1995 (Annexure P-1), registered under Sections 323, 325 and 34 IPC, at Police Station Radaur, District Yamunanagar, and all consequential proceedings arising therefrom, in the light of

the compromise dated 29.01.2018 (Annexure P-8).

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 petitioner has supplied a copy of petition to the counsel for the State in Court.

Ms. Parveen Maan, Advocate, appears on behalf of respondents 2 to 4, who are legal representatives of complainant Late Shri Swaran Singh, who was the elder paternal uncle (Taya) of the petitioner and states that a compromise has indeed been entered into between the parties on 29.01.2018 and these respondents have no objection in case the present petition is allowed and the FIR in question is quashed.

Counsel for the parties state that the parties would appear before the Chief Judicial Magistrate, Yamunanagar, on 28.02.2018 to give their statements with reference to the compromise referred to above.

*In view of the statement made by the counsel for the parties, parties are directed to appear before the Chief Judicial Magistrate, Yamunanagar, on **28.02.2018** 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 Chief Judicial Magistrate 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 **03.04.2018**.*

Copy of this order be sent to Chief Judicial Magistrate concerned forthwith for information and compliance.”

In pursuance to the said order, parties appeared before the Chief Judicial Magistrate, Jagadhri, on 28.02.2018 and got recorded their respective statements.

On the basis of the said statements, learned Chief Judicial Magistrate, Jagadhri, has submitted a report dated 17.03.2018, wherein it has been concluded that the parties have entered into a compromise *bonafidely* without any pressure or coercion etc. in any manner and the same is genuine one.

In view of the above report of the Chief Judicial Magistrate, Jagadhri, the present petition is sought to be allowed by the counsel for the petitioner, which is duly supported by the counsel for the complainant, who acknowledges the said fact and states that the compromise dated 29.01.2018 still subsists and the complainant stands by it.

Counsel for the State has pointed out that petitioner-Harjit Singh is a proclaimed offender, to which the counsel for the petitioner has brought to the notice of the Court the order dated 20.02.2018 passed in *CRM-M No.7295 of 2018* titled as *Harjit Singh Versus State of Haryana*,

where this Court has disposed of the said petition with a direction to the petitioner to appear before the Court and on appearance, to be released on bail on an application to be moved by him, which fact is mentioned in the report of the learned Chief Judicial Magistrate, Jagadhri.

In view of the above facts, interest of justice would be duly served by putting an end to the dispute between the parties, especially when they have amicably resolved the same and do not want to continue with it further.

In view of the above and 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.88 dated 24.04.1995 registered under Sections 323, 325 and 34 IPC at Police Station Radaur, District Yamunanagar, and all consequential proceedings arising therefrom, are hereby quashed qua the petitioner only.

May 21st, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No