

CRM-M No.9382 of 2018

Date of Decision : 29.05.2018

Arun Kumar Bansal and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA**Present:** Ms. Vandana Rana, Advocate for
Mr. Hemant Bassi, Advocate
for the petitioners.Mr. Sandeep Vashisht, DAG, Haryana
for respondent No.1-State.Ms. Priyanka Sharma, Advocate
for respondents No.2 and 3.**SUDIP AHLUWALIA, J. (ORAL)**

In this petition, the petitioners, who are accused persons in F.I.R. No.49, dated 01.03.2008, under Sections 323/324/325/452/427/506/34 of the Indian Penal Code (for short "IPC"), registered at Police Station Mahesh Nagar Ambala, have prayed for quashing of F.I.R. (Annexure P-1) with all subsequent proceedings arising therefrom including the report under Section 173 Cr.P.C. (Annexure P-2) and the trial Court judgment dated 07.09.2016 and orders of sentence dated 09.09.2016 (Annexure P-3) on the basis of compromise (Annexure P-4).

[2]. The petitioners were convicted and sentenced for imprisonment of the offences under Sections 323/324/325/452/427/506/34 of IPC by the

Ld. Trial Court i.e. Judicial Magistrate Ist Class, Ambala by judgment/order referred above. Thereafter, an appeal was filed by them before the Ld. Appellate Court. During pendency of appeal, the dispute has been resolved by parties amicably whereafter the instant petition has been filed, since the parties concerned have arrived at a settlement. The matter was referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. The Ld. Judicial Magistrate Ist Class, Ambala, vide report dated 21.04.2018, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

[3]. Respondents No. 2 and 3 are represented by their Counsel who do not oppose the compromise.

[4]. In view of the report of the Ld. Judicial Magistrate Ist Class, Ambala, and in view of the decision of the Hon'ble Supreme Court in “Gian Singh Vs. State of Punjab and another”, 2012(4) RCR (Criminal) 543 and “Narinder Singh and Others Vs. State of Punjab and Another”, (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant/respondent No.2 and respondent No.3 have themselves compromised the dispute with the petitioners/ accused persons.

[5]. In the circumstances and in light of the decisions of the Supreme Court in “Gulab Das Vs. State of M.P.”, 2012 (1) R.C.R. (Criminal) 220 and “Mukesh Kumar Vs. State of Rajasthan”, 2013 (11) S.C.C. 511, while sustaining conviction of the petitioners for the offences under Sections 323/324/325/452/427/506/34 of IPC, F.I.R. No.49, dated

01.03.2008, under Sections 323/324/325/452/427/506/34 of IPC, registered at Police Station Mahesh Nagar Ambala, (Annexure P-1), with all subsequent proceedings arising therefrom including the report under Section 173 Cr.P.C. (Annexure P-2) and the trial Court judgment dated 07.09.2016 and orders of sentence dated 09.09.2016 (Annexure P-3), are hereby quashed on the basis of compromise *qua* the present petitioners with a direction that no further sentence needs to be suffered by them nor any fine needs to be paid, apart from the sentence already undergone by them.

(SUDIP AHLUWALIA)
JUDGE

29.05.2018

Neha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No