

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

**CRM-M No.43480 of 2017 (O&M)
Date of Decision: 17.01.2019**

Vinod Gandhi and ors

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sandeep Bhardwaj, Advocate for
Mr. Sanjeev Kumar Panwar, Advocate for the petitioners.

Mr. Manoj K. Sangwan, DAG, Haryana
for respondent No.1/State.

Mr. Mohan Singh Rana, Advocate for respondent Nos.2 and 3.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of FIR No.285 dated 01.12.2013 (**Annexure P-1**), under Sections 323, 324, 306 and 34 of the Indian Penal Code, registered at Police Station NIT Faridabad, District Faridabad, Haryana along with all consequential proceedings arising therefrom on the basis of compromise dated 28.10.2017 (**Annexure P-2**) entered into between the parties i.e. petitioners as well as respondents No. 2 and 3.

This Court, on 17.10.2018, passed the following order:-

“ Learned counsel for the petitioners submits that in the head note of the petition Section 306 instead of 506 of Indian Penal Code (for short IPC) has been mentioned which is a typographical mistake. The challan has been presented for the offences punishable under Sections 323, 324, 506 read with Section 34 IPC. It is submitted that the parties have effected

the compromise.

Parties may appear before the trial Court on 17.11.2018 or on any other date convenient to the Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before the trial Court. In the event of their statements being recorded, the trial Court will send copies of the same to this Court with its report:

- (i) regarding genuineness and voluntary nature of the compromise;
- (ii) whether all the accused/petitioners are appearing before the Court or are on bail; and
- (iii) whether any other proceeding is pending against the accused/petitioners.

Report of the trial Court be awaited for 17.01.2019. ”

In terms of above order, the statements of the parties were recorded by learned Civil Judge (Jr. Division), Faridabad and submitted a report dated 14.01.2019. The operative part of the same reads as under:-

'In this regard, statement of complainant and all the accused persons have been recorded in my presence today. There are five accused persons in the case and all of them are on bail and appearing in the Court. As reported by the counsel for accused, no other proceedings are pending against the accused/petitioners. Lastly, I am satisfied that the compromise between the parties is genuine and voluntary and without any coercion or undue influence. The compromise deed which is Ex.C-1 and statements in original are also enclosed herewith for your kind perusal as requested.'

A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence and no one has been declared as proclaimed offender in this case.

Learned State Counsel has acknowledged the above fact and further

stated that he has no objection in case the present FIR as well as all other consequential proceedings are quashed on the basis of the compromise effected between the parties. Even before this Court also, there is no objection by either of the parties in case the present FIR is quashed.

In view of above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public peace or tranquillity and thus quashing of FIR in question along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice. Consequently, the present petition is allowed and the aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners.

January 17, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>