

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

**CRM-M No.48993 of 2017
Date of Decision: 20.03.2019**

BACHHU SINGH AND ORS

.....Petitioners

Versus

STATE OF HARYANA AND ORS

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.S. Kooner, Advocate for
Mr. Kunal Dawar, Advocate
for the petitioners.

Mr. Rahul Mohan, DAG, Haryana.

Mr. Yash Dev Kaushik, Advocate for
Ms. Deepa Jain, Advocate
for respondents No. 2 to 4.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of FIR No.217 dated 07.05.2015 (**Annexure P-1**), under Sections 147, 149, 323, 452, 506 and 427 of the Indian Penal Code, registered at Police Station Sector 55, Faridabad, Haryana along with all consequential proceedings arising therefrom on the basis of compromise dated 29.09.2017 (**Annexure P-2**) entered into between the parties i.e. petitioners as well as respondents No.2 to 4.

As per the allegations in the FIR, the occurrence had taken place due to some dispute between the petitioners and the private respondents with regard to the cleaning of the sewerage gutter and in the meanwhile, the petitioners attacked the complainant side. The petitioners were armed with Dandas, Swords and Arms, then complainant as well as his family members locked doors and tried to save themselves. The accused-petitioners ransacked

the house, smashed the windows and also broke the main gate of the house of the complainant.

Heard learned counsel for the parties and perused the paper book.

On 31.05.2018, while issuing notice of the application the following order was passed by this Court:

“Prayer in this application is for directing the petitioners to appear before the trial Court on 02.06.2018, when the case is fixed for recording of the statements of the parties with reference to the compromise dated 29.09.2017 (Annexure P-2) entered into between the parties.

Notice of the application.

On the asking of the Court, Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.1.

Ms. Deepa Jain, Advocate, has put in appearance on behalf of respondents 2 to 4 and has filed her power of attorney. She acknowledges the factum of compromise entered into between the parties referred to above and she further states that the complainant and the other aggrieved respondents have no objection to the present petition being allowed as the complainant and the other respondents do not want to pursue the FIR which was registered at the behest of the complainant.

In view of the above, let the parties appear before the trial Court/Duty Magistrate, Faridabad, on **02.06.2018** 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 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 **30.10.2018**.

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

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate First Class, Faridabad and submitted a report dated 05.10.2018. The operative part of the same reads as under:-

'I am of the considered view that compromise effected between the parties is without any threat or pressure from either side and is made out of free volition of the parties.'

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.

On instructions from ASI Bed Singh, 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 and tranquility, 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.

March 20, 2019
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(MAHABIR SINGH SINDHU)
JUDGE

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