

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

CRM-M-25585 of 2019.

Decided on:- October 16, 2019.

Dharmender and others

.....Petitioners.

Versus

State of Haryana and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Neeraj Sheoran, Advocate
for the petitioners.

Ms. Priyanka Sadar, A.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.6 dated 03.01.2014 under Sections 323, 354, 356 and 506 read with Section 34 IPC registered at Police Station Sector-5, Gurgaon (Gurugram) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.02.2019 (Annexure P-2).

Learned counsel for the petitioners states that the aforesaid FIR was registered at the behest of Rajinder Kataria, who had died on 26.04.2018 and it is thereafter, the matter has been compromised between the parties. He further states that the cross-version case bearing FIR No.5 dated 03.01.2014 under Sections 323, 325, 356 and 506 read with Section 34 IPC registered at Police Station Sector 5, Gurugram against the complainant party has already

been quashed vide order dated 12.07.2019 passed by this Court in *CRM-M-19981 of 2019* titled as *Asha and others Versus State of Haryana and others*.

This Court vide order dated 01.07.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioners and respondent No.2 to 4 have appeared before learned Judicial Magistrate 1st Class, Gurugram and got their statements recorded on 01.08.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 17.08.2019 to the effect that the compromise is genuine, voluntary and without any coercion or undue influence.

Learned State counsel has not disputed the factum of compromise.

The FIR in question has been recorded on the basis of statement of complainant Rajinder Kataria, who has died on 26.04.2018. Respondent No.2, who is daughter of complainant Rajinder Kataria and other respondents No.3 and 4 have made a joint statement before learned Magistrate on 01.08.2019 in support of the compromise, wherein they have stated that the matter has been compromised with their consent and they have no objection in case the present FIR is quashed.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

Thus, following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, the present petition is allowed and the FIR No.6 dated 03.01.2014 under Sections 323, 354, 356 and 506 read with Section 34 IPC registered at Police Station Sector-5, Gurgaon (Gurugram) (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 16.02.2019 (Annexure P-2).

October 16, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No