

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

CRM-M-32616 of 2019.

Decided on:- October 18, 2019.

Sohan Lal and others

.....Petitioners.

Versus

State of Haryana and others

.....Respondents.

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

Present:- Mr. Gagandeep Singh, Advocate for
Mr. A.S. Manaise, 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.73 dated 18.03.2013 under Sections 148, 149, 323, 506, 341, 452, 365 and 511 read with Section 34 IPC at P.S. Naraingarh, District Ambala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 09.04.2019 (Annexure P-2).

This Court vide order dated 01.08.2019 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 as well as respondents No.2 and 3 have appeared before learned Judicial Magistrate 1st Class, Naraingarh and got their statements recorded on 05.09.2019. On the basis of the statements so recorded by the parties, learned Magistrate has

submitted the report dated 11.09.2019 to the effect that the compromise effected between the parties is voluntarily, genuine and has been arrived between the parties 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 respondent No.2-complainant Dimple. Though no one has put in appearance on her behalf, but it would not cause any prejudice to her as she has already made a statement before learned Magistrate in support of the compromise on 05.09.2019.

Though the report dated 11.09.2019 submitted by learned Magistrate is not accompanied with statements of the parties, but in the said report, it has been specifically mentioned by learned Magistrate that on 05.09.2019 statements of the petitioners as well as respondents No.2 and 3 were recorded by her. The relevant extract of the said report reads as under:

“Today, on 05.09.2019, in compliance of order dated 01.08.2019 passed by the Hon’ble High Court passed in the CRM-M-32616-2019 titled as ‘Sohan Lal and others Versus State of Haryana and others’, the statement of the complainant Dimple and injured Mahindro and the joint statement of ten accused persons namely Sohan Lal son of Balbir, Sanjeev son of Ram Singh, Balbir son of Partap Singh, Jaspal son of Ram Singh, Ram Karan son of Partap Singh, Rai Singh son of Ram Singh, Ram Singh son of Chhitar Ram, Kamlesh wife of Jaspal, Kela wife of Rai Singh and Kanta wife of Balbir were recorded. The complainant was identified by Shri Devinder Singh, Advocate and the ten accused persons were identified by Shri

Gaurav Dhingra, Advocate. The statements were read over and explained to the complainant and the accused persons, who later put their signatures in the presence of their respective counsel.”

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.73 dated 18.03.2013 under Sections 148, 149, 323, 506, 341, 452, 365 and 511 read with Section 34 IPC at P.S. Naraingarh, District Ambala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 09.04.2019 (Annexure P-2).

October 18, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No