

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

CRM-M-34253 of 2019.

Decided on:- December 04, 2019.

Dinesh and another.

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. S.K. Daaria, Advocate
for the petitioners.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

Mr. Deepak Kumar Bartia, Advocate for
Mr. Satnam Singh Sishodia, Advocate
for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.530 dated 06.09.2015 under Sections 354(A)(1) and 506 read with Section 34 IPC (Section 354 IPC added later on) registered at Police Station Rohtak City (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 24.07.2019 (Annexure P-2).

This Court vide order dated 22.08.2019 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 and respondent No.2-complainant have appeared before learned Chief Judicial Magistrate, Rohtak and got their statements recorded in support of the compromise on 09.10.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 18.11.2019 to the effect that the compromise has been arrived between the parties voluntarily and without any coercion or undue influence. The compromise effected between the parties seems to be genuine and outcome of free consent of the parties.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Poonam @ Chando. She has already made a statement in support of compromise before learned Magistrate on 09.10.2019 to the effect that the matter has been compromised with the accused. She has compromised the matter without any greed and they have no ill-will against each other.

Learned counsel for respondent No.2 does not dispute the factum of compromise between the parties.

Learned State counsel also does not dispute the factum of compromise between the parties.

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.530 dated 06.09.2015 under Sections 354(A)(1) and 506 read with Section 34 IPC (Section 354 IPC added later on) registered at Police Station Rohtak City (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 24.07.2019 (Annexure P-2), however, subject to payment of total costs of Rs.10,000/- to Pandit Bhagwant Dayal Sharma Post Graduate Institute of Medical Sciences (PGIMS), Rohtak, which shall be paid by the petitioners within a period of one month from today. This amount shall be utilized for the welfare of poor and needy patients under the supervision of concerned Medical Superintendent.

December 04, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No