

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

**CRM-M No.43662-2019(O&M)
Date of Decision:17.12.2019**

Naresh Singh @ Naresh Kataria

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rajesh Lamba, Advocate
for the petitioner.

Mr. Arun Kumar, AAG, Haryana.

Mr. Virendera Rana, Advocate
for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of FIR No.429 dated 17.09.2019 (**Annexure P-1**), under Sections 323 and 506 of Indian Penal Code, registered at Police Station Sector-5, Gurgaon, District Gurugram along with all consequential proceedings arising therefrom on the basis of compromise dated 01.10.2019 (**Annexure P-2**) entered into between the parties i.e. petitioner as well as respondent No. 2.

As per the allegations in the FIR, respondent No.2-complainant is the owner of Hero Electric Bike Showroom and running from his own place at Ashok Vihar Phase-II. On 17.09.2019, petitioner caused damage to the property

of the complainant. Complainant-respondent No.2 was mending the same with the help of labour then in the meantime, the petitioner again came there and called bad names and threatened the complainant with life threats and thereafter snatched Fawara from labour and attacked him twice. The petitioner tried firstly to attack on the neck of the complainant, which hit on his shoulder and then the accused again attacked him which hit on his hand.

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

On 15.10.2019, while issuing notice of motion this Court has passed the following order:-

“Contends that matter has been compromised between the parties.

Notice of motion.

On the asking of the Court, Mr. Arun Beniwal, DAG Haryana accepts notice on behalf of respondent No.1-State.

Ms. Neeru Thakur, Advocate, who is present in the Court, appears and files Memorandum of Appearance on behalf of respondent No.2 and the same is taken on record. She acknowledged the factum of compromise arrived at between the parties.

Requisite number of copies of the petition be supplied to learned counsel for the respondents during the course of the day.

Petitioner shall file his affidavit before learned trial Court that there is no other criminal case pending against him and also give the details of any other FIR(s), if any, which have already been quashed on the basis of compromise.

In view of above, let the parties be appeared before the Court of learned Illaqa Magistrate/trial Court on 27.11.2019 to record their statements with reference to the compromise, if any, entered into between them. Learned Illaqa Magistrate/trial Court will record the statements of all accused, complainant/injured and victim, if any and submit a report along with the statements to this Court, 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?

(vi) Whether any of the petitioner(s) is/are previous convict or not?

List before this Court on 17.12.2019, for further consideration.

Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection or not?

A copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance.”

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate First Class, Gurugram and submitted a report dated 12.12.2019. The operative part of the same reads as under:-

'In view of the aforesaid circumstances, a compromise has been voluntarily effected between the parties to my belief and the aforesaid compromise is genuine, voluntary and without any coercion or undue pressure and is an outcome of free consent of both 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 Head Constable Rajesh Kumar, 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 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 petitioner.

December 17, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

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