

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-40235-2018 (O&M)
Date of Decision:- 18.1.2019

Hitesh and another

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Kumar Sharma, Advocate, for the petitioners.

Mr. Brijesh Sharma, AAG, Haryana.

Ms. Amandeep Kaur, Advocate, for respondent No.2.

GURVINDER SINGH GILL, J. (Oral)

1. By way of filing this petition, the petitioners seek quashing of FIR No.271 dated 27.10.2013, registered under Sections 323, 341, 452, 34 of Indian Penal Code, 1860 (Section 427 IPC added lateron) at Police Station Loharu, District Bhiwani and also for setting aside the judgment of conviction dated 5.6.2017 and order dated 6.6.2017 passed by the learned Sub Divisional Judicial Magistrate, Loharu, wherein they have been held guilty for having committed offences

punishable under Sections 323, 341, 427 and 452 read with Section 34 of Indian Penal Code, 1860 and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

2. Vide order dated 13.9.2018, the parties had been directed to appear before the Illaqa Magistrate/trial Court so as to get their statements recorded qua the factum of compromise.
3. Report of learned Sub Divisional Judicial Magistrate, Loharu has been received to the effect that statement of complainant-Rajbala and also of petitioners/accused Hitesh and Nitu have been recorded to the effect that they have compromised the matter amongst themselves and have no objection if the FIR is quashed.
4. In view of the aforesaid compromise and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the present petition is allowed and FIR No.271 dated 27.10.2013, registered under Sections 323, 341, 452, 34 of Indian Penal Code, 1860 (Section 427 IPC added lateron) at Police Station Loharu, District Bhiwani and all the consequent proceedings arising therefrom are hereby quashed. Consequently, the judgment of conviction dated 5.6.2017 and order dated 6.6.2017 passed by the learned Sub Divisional Judicial Magistrate, Loharu, wherein the petitioners have been held guilty for having committed offence punishable under Sections 323, 341, 427 and 452 read with Section 34 of Indian Penal Code, 1860 is set aside

and the petitioners are acquitted from all the charges framed against them.

5. The petition stands accepted accordingly.

January 18, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No