

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

CRM-M-55227-2018

Date of Decision:11.02.2019

Krishan and others

... Petitioners

Vs.

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Namit Khurana, Advocate
for the petitioners.

Mr. Manoj Kumar Sangwan, D.A.G. Haryana.

Mr. Sandeep Singh, Advocate
for respondent No.2.

MAHABIR SINGH SINDHU, J. (Oral)

Reply by way of an affidavit of Kushal Singh, HPS, Deputy Superintendent of Police, Indri (Karnal), Karnal on behalf of respondent No.1 (i.e. State of Haryana) is taken on record.

Present petition under Section 482 Cr.P.C has been filed praying for quashing of FIR No.162 dated 10.07.2017 (Annexure P-1) under Sections 148, 149, 323, 341, 427, 506 IPC at Police Station Kunjpura, District Karnal along with all consequential proceedings arising therefrom on the basis of compromise entered into between the parties i.e. petitioners as well as respondents No.2 and 3.

This Court, while issuing notice of motion on 17.12.2018, passed the following order:

“Contends that the matter has been compromised between the parties.

Notice of motion for 28.01.2019.

On the asking of the Court, Mr. Yashwinder Singh, DAG, Haryana accepts notice on behalf of respondent No.1 and one set of paper-book be supplied to him during the course of day. Mr. Sunny Dhull, Advocate, who is present in the Court, accepts notice on behalf of respondent Nos.2 and 3 and has filed power of attorney on his behalf. Two copies of paper-book be also supplied to him during the course of day.

In the meanwhile, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 10.01.2019 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.

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

In terms of the above order, the statements of the parties were recorded by learned Judicial Magistrate Ist Class, Karnal and submitted a report dated 14.01.2019 and which *inter alia* reads as under:

“The para wise information sought by the Hon'ble High Court is as follows:-

- 1. Both the parties got recorded their unconditional statements voluntarily in open Court, without any pressure or undue influences.*
- 2. The compromise effected between the parties is genuine and valid.*
- 3. All the accused, complainant and injured are party to the compromise.*
- 4. No, there is no other case is pending against either of the parties.*
- 5. No P.O. Proceedings has been started against any accused.”*

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.

Learned State counsel on instructions from ASI Kulwant Singh has acknowledged the above fact as well as in view of the averments made in the reply filed by the State particularly paragraph-2 of the preliminary objection that Section 379-B IPC was deleted during investigation 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 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 the above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public peace or 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 in question along with all consequential proceedings resulting therefrom are quashed qua the petitioners.

(MAHABIR SINGH SINDHU)
JUDGE

11.02.2019
rajeev

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No