

CRM-M-12260-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CRM-M-12260-2020

Date of Decision: September 10th, 2020

Rohit Arora

...Petitioner

Versus

State of Haryana & others.

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present Mr. Rajeev Sharma, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

Ms. Tanya Malik, Advocate
for the complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 18.08.2020, following order was passed:-

“Reply to the petition filed by respondents through email is taken on record.

Present petition has been filed for quashing of FIR No.87 dated 12.02.2020 registered under Sections 376, 506 IPC at Police Station Sector 32-33, Karnal, District Karnal, on the basis of a compromise dated 07.05.2020 (Annexure P-2), which has been entered into between the petitioner as well as complainant-respondent No.2.

Counsel for the petitioner as well as the counsel for respondent No.2 accept the factum of compromise having been entered into between the parties.

Let the petitioner as well as complainant-respondent No.2 appear before the trial Court at Karnal on 21.08.2020 at 11:00 AM, which shall record their statements and send a report to this Court within a period of ten days as to whether the compromise is genuine and without any pressure or undue influence. The trial Court shall also intimate if the petitioner has been declared as proclaimed offender.

Copy of this order be sent for information and compliance.

To come up before this Court on 10.09.2020.”

In pursuance to the above directions issued by this Court, petitioner as well as complainant appeared before the Judicial Magistrate First Class, Karnal, on 21.08.2020, when their statements were recorded. In pursuance thereto, report has been submitted by the said Court, dated 21.08.2020, according to which the Court is convinced that the compromise between the parties in question is genuine. It has further been stated that the compromise has been effected without any fear, threat, pressure or coercion. The validity of the compromise has been accepted.

In view of the above, it is apparent that the compromise which has been entered into between the parties, dated 07.05.2020 (Annexure P-2) is genuine. The matter has been amicably resolved between the parties. No useful purpose would be served by proceeding further in the matter.

In the light of the above and the ratio of judgment of the Hon'ble Supreme Court in ***Criminal Appeal No.1723 of 2017***, titled as ***'Parbatbhai Aahir @ Parbhabhai Bhimsinhbhai Karmur & others Vs. State of Gujarat & another***, decided on 04.10.2017 and in the judgment of

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Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482 as also the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052*, the present petition is allowed. FIR No.87 dated 12.02.2020, registered under Sections 376, 506 IPC at Police Station Sector 32-33, Karnal, District Karnal (Annexure P-1) along with all subsequent proceedings arising therefrom are hereby quashed qua the present petitioner only.

September 10th, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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