

256.

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

CRM-M-38356-2019

Date of decision: 29.01.2020

AMIT KUMAR AND ANR.

... Petitioners

versus

STATE OF HARYANA AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Rahul Deswal, Advocate,
for the petitioners.

Ms. Priyanka Sadar, AAG, Haryana,
for respondent No.1.

Mr. Karan Garg, 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 F.I.R. No.121 dated 14.05.2019 registered under Sections 323, 506, 294, 452, 34 of IPC at Police Station City Ratia, District Fatehabad (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 14.08.2019 (Annexure P-2) and affidavit dated 28.08.2019 (Annexure P-3).

This Court vide order dated 10.09.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Sub Divisional Judicial Magistrate, Ratia (Fatehabad) and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 19.11.2019 to the effect that the compromise appears to be genuine and has been effected between the parties voluntarily, without any pressure or coercion.

Respondent No.2-complainant, namely, Des Raj has made his statement with regard to compromise before learned Magistrate on 29.10.2019 to the effect that he has compromised the matter with the accused-petitioners and has no objection in case the present FIR is quashed qua them.

Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

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***, this petition is allowed and F.I.R. No.121 dated 14.05.2019 registered under Sections 323, 506, 294, 452, 34 of IPC at Police Station City Ratia, District Fatehabad (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 14.08.2019 (Annexure P-2) and affidavit dated 28.08.2019 (Annexure P-3), however, that would be subject to payment of

costs of Rs.10,000/- to be deposited with the Poor Patients’ Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

29.01.2020
sanjeev

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