

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-39102-2019

Date of Decision:20.02.2020

Rakesh Saini and another

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: None for the petitioners.

ASI Radhey Sham, Investigating Officer.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.91 dated 09.02.2016 under Section 346 (the offences under Sections 323, 342, 343, 344, 363, 365 IPC and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 were added later on), registered at Police Station Sirsa City, Sirsa (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 31.08.2019 (Annexure P-2).

Reply by way of affidavit of Sh. Aryan Chaudhary, HPS, Deputy Superintendent of Police(HQ), Sirsa filed on behalf of the respondent-State, today in the Court is taken on record.

This Court vide order dated 22.10.2019 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 Additional Chief Judicial Magistrate and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 02.12.2019 to the effect that the matter has been compromised voluntarily without coercion or undue influence and the same is genuine.

Though no one is present on behalf of respondent No.2-complainant-Sharda alias Sonika in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 29.11.2019. The same is reproduced as under:-

“Compromise has been effected with accused Rakesh Saini and Sandeep Saini sons of Onkar Saini in the present case. Compromise has been effected voluntarily and without any coercion or undue influence. Compromise is genuine. In the present FIR total two accused are facing the trial and no other accused is proclaimed offender. I have no objection in quashing of FIR in question.”

The Investigating Officer has 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 F.I.R.

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 FIR No.91 dated 09.02.2016 under

and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 were added later on), registered at Police Station Sirsa City, Sirsa (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 31.08.2019 (Annexure P-2), subject to payment of costs of ₹5,000/- to be paid by the petitioners, within a period of one month from today with the **Legal Services Authority, Haryana.**

February 20, 2020
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No