

278.

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

CRM-M-42515-2019

Date of decision: 26.02.2020

RAHUL AND OTHERS

... Petitioners

versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Dharamvir Sharma, Advocate,
for the petitioners.

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

Mr. P.S. Birla, Advocate,
for respondents No.2 & 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.122 dated 29.07.2018 registered under Sections 323, 354, 365, 120-B of IPC and Section 27 of Arms Act at Police Station Sohana, District Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavits dated 07.09.2019 (Annexures P-2 & P-3).

This Court vide order dated 03.10.2019 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 Judicial Magistrate Ist Class, Sohna and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 14.12.2019 to the effect that the compromise has been effected between the parties without any threat or pressure from either side and is out of free volition of the parties.

Respondent No.2-complainant along with the victim respondent No.3 have made a joint statement with regard to compromise before learned Magistrate on 05.11.2019. The same is reproduced as under:-

“Stated that on 29.07.2018, I, Om Parkash complained to the police against Rahul, Ashok Kumar, Gajraj Singh and Raj Kumar regarding missing of my niece namely, Pinki D/o Karan Singh, R/o VPO Budhena, Near Hanuman Mandir Tigaon Road Sector 86 District Faridabad under Section 323, 354, 365 & 120-B of IPC and Section 27 of Arms Act. In this regard, we stated that the accused Rahul, Ashok Kumar, Gajraj Singh and Raj Kumar were having family relations with the victim named Pinki from the last 5-6 years. Under suspicious circumstances and without knowing the actual facts, I, Om Parkash, registered the above-said FIR in the police station Sadar Sohna. Now, matter has been compromised with all the accused. We have no objection to quash the present FIR against the present accused.”

Learned State counsel as well as learned counsel for respondents No.2 and 3 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.122 dated 29.07.2018 registered under Sections 323, 354, 365, 120-B of IPC and Section 27 of Arms Act at Police Station Sohana, District Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/affidavits dated 07.09.2019 (Annexures P-2 & P-3), however, that would be subject to payment of costs of Rs.10,000/- to be deposited by the petitioners 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

26.02.2020
sanjeev

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