

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

CRM-M-43424 of 2019.

Decided on:- February 14, 2020.

Sagar Kasana and others

.....Petitioners.

Versus

State of Haryana and others

.....Respondents.

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

Present:- Mr. Shashi Kant, Advocate for
Mr. Kunal Dawar, Advocate
for the petitioners.

Ms. Priyanka Sadar, A.A.G., Haryana.

None for respondents No.2 and 3.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.129 dated 22.08.2019 under Sections 342, 354-A and 506 read with Section 34 IPC registered at Women Police Station, Ballabgarh, District Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 03.10.2019 (Annexure P-2).

This Court vide order dated 14.10.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, learned Judicial Magistrate 1st Class, Faridabad has submitted a report dated 26.11.2019, which reads as under:

“I have the honour to submit that vide order dated 14.10.2019 passed by the Hon’ble High Court of Punjab and Haryana in CRM-M-43424-2019 the undersigned was given directions for recording the statement of parties regarding compromise/settlement on 25.11.2019. Accordingly, accused Sonu, Sagar and Ankit have appeared in Court today and marked their presence, however, despite service of notice, the complainant has not appeared in Court today and no intimation or request has been received in this regard. The accused persons and their counsels have stated at bar that the complainants Udham Singh and Sushmita are sitting in the P.S. Women Ballabgarh with ACP and SHO concerned and that the police officials are not allowing them to leave the police station for purpose of recording of statement in the matter at hand today. The accused persons were directed to file an affidavit to this effect but they expressed their inability in doing so. Thus, in view of the above, statement of parties could not be recorded. This report along with daily order passed on 25.11.2019 are submitted for your information and necessary action, awaiting further orders from your good self.”

Learned State counsel, on instructions from HC Shakuntla, submits that in the aforesaid FIR, a cancellation report has been prepared and, therefore, nothing survives in this petition.

Learned counsel for the petitioners submits that in view of the statement so made by learned State counsel, he be permitted to withdraw the present petition.

Dismissed as withdrawn.

However, a copy of this order be sent to the Commissioner of Police, Faridabad to look into the veracity of allegations so made by the petitioners before learned Magistrate, Faridabad and in case it is found that there is substance in those allegations, he shall appoint an officer, not below the rank of D.C.P. to enquire into the matter and a report in this regard be submitted before this Court on or before 30.03.2020.

Registry to put up the case on 30.03.2020.

February 14, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No