

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

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CRM-M-1159-2020

Date of decision : 22.11.2021

RAJBIR AND ORS.

.....Petitioners

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

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

Mr. Dhruv Sihag, AAG, Haryana
for the respondent No. 1- State

Mr. Ankit Aggarwal, Advocate
for respondent No. 2

SANT PARKASH, J. (ORAL)

Prayer in this petition under Section 482 of the the Code of Criminal Procedure, 1973 is for quashing of FIR No.172 dated 11.11.2019 registered under Sections 148, 149, 323, 365, 452 and 506 of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station Industrial Sector 29, Panipat, District Panipat with all consequential proceedings arising therefrom in view of the compromise dated 06.01.2020 (Annexure P-2) arrived at between the parties.

The above said FIR was registered on complaint made by respondent No. 2- Shyam. In the complaint, respondent No. 2 alleged that on 11.11.2019 at about 4.00 P.M. he and his son Samar were sitting on the roof of their office then Rajbir Manager Eassor Petrol Pump came along with 7 to 8 persons and by using abusive and filthy

language he asked him to make payment of the diesel else he would forcibly kidnap him. Complainant/respondent No. 2 requested Rajbir that he would make the payment later on, on which the accused persons got furious and started giving him beatings and forcibly brought him down from the roof. Rajbir in connivance with his associates Ravi and Deepu forcibly took him in the car. Rajbir himself occupied the driving seat, Ravi occupied the conductor seat and Deepu on the other side. The accused persons forcibly made him to sit between them. The accused persons brought the complainant/respondent No. 2 to Eassor Petrol Pump, Chautala Road and got him down from the car. Rajbir picked up wooden *binda* (handle) from the petrol pump and hit the same on his waist and feet. Vikas gave danda blow at hip joint, Pawan gave fist blows, Deepu beat him with kick and fist blows. Vikas, Pappu and his other associates gave him beatings with kick and leg blows while throwing him on the ground. The accused persons also gave beatings to Shivam, nephew of respondent No.2, who came there to rescue him. On hearing the noise, crowd collected at the petrol pump and seeing the crowd, the accused persons by threatening respondent No.2 ran away from the spot along with their respective weapons.

Vide order dated 13.01.2020, Co-ordinate Bench of this Court directed the private parties to appear before the trial Court/Illaq Magistrate on 06.02.2020 for recording of their statements with regard to compromise/settlement and directed the Trial Court/Illaq Magistrate to submit a report regarding the genuineness and voluntary nature of the compromise.

In compliance with the above said order, learned Judicial

Magistrate First Class, Panipat has recorded the statements of both the parties and submitted report vide letter No. 143 dated 14.02.2020, duly forwarded by the learned District and Sessions Judge, Panipat vide letter No. 3518/C-12 dated 14.02.2020.

A perusal of the report of learned Judicial Magistrate First Class, Panipat clearly reveals that the matter has been compromised by the parties with their free consent, voluntarily and without any coercion or undue influence.

I have heard learned Counsel for the parties and gone through the case file.

Learned State Counsel has no objection in case the FIR along with all subsequent proceedings arising therefrom is quashed on the basis of compromise effected between the parties.

The offences involved in the present case are overwhelmingly and predominantly of private character. The parties have resolved their entire dispute. The compromise will also contribute to peace and harmony in the society. In view of the above, the petition is allowed and FIR No.172 dated 11.11.2019 registered under Sections 148, 149, 323, 365, 452 and 506 of the IPC in Police Station Industrial Sector 29, Panipat, District Panipat is quashed with all consequential proceedings arising therefrom.

22.11.2021

kavneet singh

**(SANT PARKASH)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No