

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-4635-2021 (O&M)
Decided on : 23.08.2021

MADHUR MALHOTRA

... Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. S.S. Momi, Advocate
for the applicant-petitioner(s).

Ms. Tanushree Gupta, DAG Haryana.

MANJARI NEHRU KAUL, J. (Oral)

CRM-22836-2021

The instant application has been filed for advancing the date of hearing in the main petition from 14.10.2021 to an early date of hearing.

For the reasons mentioned in the application, same is allowed.

Main case i.e., ***CRM-M-4635-2021*** is taken on board today itself.

CRM-M-4635-2021

The instant petition is filed under Section 482 CrPC for quashing of FIR No.303, dated 27.08.2014, under Sections 323 and 498-A of the IPC, registered at Police Station Pehowa, District Kurukshetra and all other consequential proceedings arising out of the same including the judgment of conviction dated 27/30.09.2019 as the trial of the petitioner has culminated into his conviction under Sections 323 and 498-A of the IPC, on

the basis of written compromise dated 15.07.2020 (Annexure P-4) arrived at between the parties

Learned counsel for the petitioner has placed reliance upon *Manohar Singh Vs. State of Madhya Pradesh, 2014(13) SCC 75* as well as *Sau. Maya Sanjay Khandare Vs. State of Maharashtra*, Criminal Application No.709 of 2020.

Vide order dated 02.03.2021 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 17.03.2021 to get their statements recorded regarding the compromise arrived at, between them.

Report has since been received from the learned JMIC, Pehowa, in pursuance to the direction of this Court. As per the report, compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will. The trial Court has annexed the statements of the parties in original alongwith its report.

Learned State counsel too submits that there are no other accused other than the petitioner and respondent No.2 is the only aggrieved person in the FIR in question.

In view of the report of the Ld. JMIC, Pehowa and the principles laid down by the Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*, and also by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, the instant petition is allowed. The aforesaid FIR and all consequential proceedings including the judgment of conviction

dated 27/30.09.2019 arising out of it, are quashed.

Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

(MANJARI NEHRU KAUL)
JUDGE

August 23, 2021
S.Sharma(syr)

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>