

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

**CRM No. 40452 of 2021 in/and
CRM-M No. 17052 of 2021 (O&M)
Date of Decision: 15.12.2021**

Kamal Chaudhary alias Kamal Singh and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Rishi Pal Singh, Advocate for the applicants-petitioners.

Mr. Pradeep Prakash Chahar, Deputy Advocate General, Haryana
assisted by Sh. Wazir, SI.

Mr. Vinod K. Kanwal, Advocate
for respondent No. 2.

SURESHWAR THAKUR, J. (ORAL)

CRM No. 40452 of 2021

1. Prayer in the present application, under Section 482 of the Cr.P.C., as moved by the learned counsel for applicants-petitioners, is for preponing the date of hearing of the main case from 11.03.2022, to an earlier date.

2. Application is allowed. With the consent of the learned counsel for the parties, the date of hearing of the main case is preponed from 11.03.2022, and, the main case is taken up today itself.

MAIN CASE

1. The petitioners, by way of filing the present petition under Section 482 Cr.P.C., are seeking quashing of FIR No. 406 of 04.09.2019 (Annexure P-1), constituting therein offences under Sections 147, 149, 323

and 506 of the IPC, registered at Police Station Kurukshetra University,

District Kurukshetra, and, all subsequent proceedings arising therefrom, on the basis of compromise (affidavit) (Annexure P-2) arrived at between the parties.

2. When the instant petition came up before this Court, on 23.04.2021, an order was made upon the learned Magistrate concerned, to make a report to this Court, with respect to the genuineness of the afore compromise, and, also in respect of antecedental criminal activity of the accused, and, besides with regard to the total number of accused involved in the case, and, his/their status of being proclaimed offender/person. The afore order, makes it apparent that the petitioners, had depended, upon, a compromise/settlement, arrived at, in respect of the FIR (supra) with the complainant-respondent.

3. The afore made order by this Court on 23.04.2021, has been complied with by the learned Illaqa Magistrate concerned, and, the elicited report has been placed on record. A perusal of the report, transmitted to this Court, by the learned Magistrate concerned, reveals that the settlement / compromise, arrived at *inter se* the petitioners, and, complainant-respondent(s), is a sequel of both, being *ad idem qua* it, besides the compromise / settlement being a sequel of no pressure or coercion, being exercised upon each other. Therefore, the learned Magistrate has reported that the settlement / compromise, depended upon by the petitioners, for seeking quashing of the FIR (supra), is both voluntary, and, genuine.

4. Since, the offences carried in the FIR (supra), are compoundable, and, also when a valid compromise has been entered into,

besides when the learned State Counsel, on instructions, meted to him, has stated that after presentation of challan, charges have not yet been drawn, so far. Therefore, this Court deems it fit to allow the petition.

5. Consequently, the present petition is allowed, and, the FIR (supra), and, also all subsequent proceedings arising therefrom, are quashed *qua* the petitioners.

December 15, 2021
'dk kamra'

(SURESHWAR THAKUR)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>