

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.26816 of 2021

Date of Decision: 07.12.2021

Ajay and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Naresh Kumar Chhokar, Advocate,
for the petitioners.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Dharam Bir Singh, Advocate,
for Mr. Nirbhay Garg, Advocate,
for respondents No.2 to 4.

SURESHWAR THAKUR, J. (ORAL)

1. Through the instant petition, under Section 482 Cr.P.C., the petitioners seek quashing of FIR No.918 dated 21.08.2017 registered at Police Station Panipat City, District Panipat, constituting therein offences, under Sections 323, 506 IPC 1860, and, also of all the consequent proceedings arising therefrom, hence on the basis of compromise effected between the parties vide compromise deed dated 07.07.2021 (Annexure P-4).

2. The learned State counsel submits, that the report under Section 173 Cr.P.C., has been submitted before the learned Magistrate concerned but the charges have yet not been framed.

3. When the instant petition came up before this Court on 15.07.2021, an order was made upon the learned Magistrate concerned, to make a report to this Court, with respect to the genuineness of the compromise, as also qua the number of accused arraigned in the FIR, and, qua how many appearing before him, for making statements, as also whether any accused has been declared proclaimed offender, and, as also whether the complainant, and, the injured/aggrieved have appeared before him, and, made their statements in support of the compromise, as also the stage of trial/proceedings, and, as also whether any other criminal case, is pending against the accused.

4. The afore made order by this Court on 15.07.2021, has been complied with by the learned 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, respondents No. 2 to 4, 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.

5. Since, the offences carried in the FIR (supra), are compoundable, and, also when a valid compromise has been entered into, *inter se*, the accused petitioners, and, the respondent(s)-complainant, besides when the learned State Counsel has stated that the challan has been filed but the charges have yet not been framed. Therefore, this Court deems it fit to

allow the petition.

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

(SURESHWAR THAKUR)
JUDGE

December 07, 2021
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No