

222.

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

CRM-M-30472-2020

Date of decision: 02.03.2021.

YOGESH AND ORS

... Petitioners

Versus

STATE OF HARYANA AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Saksham Arora, Advocate,
for the petitioners.

Ms. Gaganpreet Kaur, AAG, Haryana,
for respondent No.1.

Mr. Deepender Singh, Advocate,
for respondent No.2-complainant.

HARI PAL VERMA, J. *(Oral)*

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.160 dated 21.03.2020 under Sections 323, 506, 34 of IPC, registered at Police Station Faridabad Kotwali, District Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 17.09.2020 (Annexure P-2).

This Court vide order dated 30.09.2020 had directed the parties to appear before the Illaqa Magistrate/Duty Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Faridabad and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 14.10.2020 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion and pressure.

Respondent No.2-complainant, namely, Hardik Malik has made his statement with regard to compromise before learned Magistrate on 14.10.2020. The same is reproduced as under:-

“Stated that the present case was got registered on my complaint. Now, due to the intervention of the respectable persons of the society, the matter has been compromised between the parties amicably and voluntarily without any force, pressure or any sort of undue influence. I have no grievances against all the accused qua the complaint. The compromise deed is Ex.C1 which is signed by me and other witnesses and accused persons. I do not want to pursue the present case/FIR against the accused namely Yogesh S/o Sh. Indraj, Lalit @ Mukhdam S/o Sh. Ajeet and Amit Chandila S/o Sh. Suraj Chandila, all R/o Village Fatehpur Chandila, Faridabad. We have compromised the matter and have no grievances with each other. I have no objection in quashing the FIR No.160 dated 21.03.2020, Under Section: 323, 506, 34 IPC, PS: Kotwali, Faridabad, against the accused persons.”

Apart from above, similar statements have been made by the injured-Rahul Parashar i.e. Respondent No.3 and the eyewitness-Rahul i.e. Respondent No.4, whereby they have shown no objection to the FIR being quashed.

Learned State counsel as well as counsel for the complainant have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303***, this petition is allowed and F.I.R. No.160 dated 21.03.2020 under Sections 323, 506, 34 of IPC, registered at Police Station Faridabad Kotwali, District Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 17.09.2020 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

02.03.2021
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No