

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-31663 of 2020

Date of Decision: 19.01.2021

Dilbagh Singh

...Petitioner(s)

Versus

State of Haryana & another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. Gaganpreet Kaur, AAG, Haryana.

Mr. Dinesh Maurya, Advocate
for respondent no.2.

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 FIR No.1088 dated 01.11.2019 under Sections 452, 323, 324, 326, 506, 427, 120-B IPC registered at Police Station Sadar Karnal, (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 02.12.2019 (Annexure P-2).

This Court vide order dated October 08, 2020 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their

statements recorded with regard to compromise so arrived and learned Illaqa Magistrate/Trial Court was directed to submit its report regarding the genuineness of the compromise so effected between the parties on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before Additional Chief Judicial Magistrate, Karnal and got their statements recorded. Learned Magistrate has forwarded his report dated 27.10.2020 to the effect that the compromise arrived at between the parties is genuine and voluntary and the same is not the result of any pressure, coercion or undue influence.

Learned counsel for respondent no.2 admits the very factum of compromise so entered between the parties and submits that the complainant has no objection to the FIR being quashed.

Learned State counsel also does not dispute the compromise entered between the parties.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties and no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1352 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2013)13 SCC 303, this petition is allowed and FIR No.1088 dated 01.11.2019 under Sections 452, 323, 324, 326, 506, 427, 120-B IPC registered at Police Station Sadar Karnal, (Annexure P-1) and the

consequential proceedings arising therefrom are quashed *qua* the petitioner, on the basis of compromise. However, this will be subject to payment of costs of Rs.5,000/-, which shall be paid by the petitioner to the Punjab and Haryana High Court Bar Association, Chandigarh within one month from today.

January 19, 2021
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No