

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

CRM-M-34264 of 2020.

Decided on:- February 11, 2020.

Jitender alias Mogli and others

.....Petitioners.

Versus

State of Haryana and others

.....Respondents.

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

Present:- Mr. Chanderhas Yadav, Advocate
for the petitioners.

Mr. Rajat Gautam, D.A.G., Haryana.

Mr. Rajesh Yadav, Advocate
for respondents No.2 to 4.

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.181 dated 02.09.2019 under Sections 148, 149, 323, 325, 427, 506 and 452 IPC (added later on) registered at Police Station Sadar Bahadurgarh, District Jhajjar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise by way of affidavits dated 27.02.2020 and 18.03.2020 (Annexures P-2 to P-4).

This Court vide order dated 28.10.2020 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective

statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the parties had appeared before learned Judicial Magistrate 1st Class, Bahadurgarh and got their statements recorded on 06.01.2021. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 06.01.2021 to the effect that the compromise is genuine, voluntary and without any coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Bijender. Respondents No.2-complainant and respondents No.3 and 4, namely, Tarun and Jitender, who are injured in the case, have made a joint statement before learned Magistrate on 06.01.2021 to the effect that the matter has been compromised with the accused persons and they have no objection in case the FIR in question is quashed.

Learned State counsel and learned counsel for respondents No.2 to 4 have not disputed the factum of compromise between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

Thus, 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, the present petition is allowed and the of FIR No.181 dated 02.09.2019 under Sections 148, 149, 323, 325, 427, 506 and 452 IPC (added later on) registered at Police Station Sadar Bahadurgarh, District Jhajjar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise by way of affidavits dated 27.02.2020 and 18.03.2020 (Annexures P-2 to P-4).

Considering the nature of allegations against the petitioners, it is ordered that the petitioners would furnish an undertaking before the Illaqa Magistrate/trial Court that they shall not repeat such like act. The petitioners shall also deposit a sum of Rs.5,000/- each with the Gram Panchayat of village Balaur, Tehsil Bahadurgarh, District Jhajjar within a period of one month from today. The amount so deposited with the Gram Panchayat shall be utilized for the development of village Balaur.

It is made clear that the petitioners shall submit their undertaking and the receipt of payment of costs before learned Illaqa Magistrate/trial Court within the aforesaid stipulated period, failing which the present petition shall be liable to be dismissed outrightly.

February 11, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No