

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 45663 of 2021
Date of Decision: 01.11.2021**

Suresh and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Bhupender Singh, Advocate
for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

Mr. Parveen Sharma, Advocate
for respondent No. 2.

SURESHWAR THAKUR, J. (ORAL)

FIR No. 633 dated 26.11.2015 constituting therein offences embodied under Sections 148, 149, 323, 341, 342, 452, 506 IPC, is registered against the accused-petitioners, at Police Station Gharaunda, District Karnal.

Learned Deputy Advocate General, appearing on behalf of the State of Haryana, on instructions from the investigating officer, submits that after completion of investigation into the afore offences, as carried in the FIR (supra), the report under Section 173 Cr.P.C., has been submitted, before the learned trial Magistrate concerned. He also submits that though, charge has been framed in respect of afore offences, carried in FIR (supra), yet the prosecution evidence is yet to be adduced.

The learned counsel for the petitioners has made a statement, without oath, disclosing therein, that a settlement has been arrived at

amongst the petitioners-accused and the respondent-complainant/informant. Likewise, learned counsel for the respondent-complainant, has made a statement, without oath, before this Court, disclosing therein, that the afore compromise, as carried in Annexure P-2, is consensual, and, is drawn amongst the petitioners-accused, and, the respondent-complainant.

Bearing in mind the afore statements, made without oath, before this Court, respectively, by the learned counsel for the petitioners, and, the learned counsel for the respondent-complainant, and, also bearing in mind the further fact, that after framing of charge against the accused, by the learned trial Magistrate, the prosecution evidence has not yet commenced. Moreover, bearing in mind the fact that the offences carried in the FIR (supra), are compoundable.

Therefore, this Court is constrained to accept the statements made by the learned counsel for the accused-petitioners, and, the learned counsel for the complainant-respondent.

In sequel, the petition is accepted, and, the FIR (supra), is quashed and set aside, on basis of the statements, without oath, as made respectively by the respective counsels, vis-a-vis, a valid compromise, as carried in Annexure P-2, being entered into between the accused, and, the respondent-complainant, and, that the valid signatures of the petitioners-accused, and, of the respondent-complainant/informant, hence exist on original thereof.

(SURESHWAR THAKUR)
JUDGE

November 01, 2021
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : Yes/No