

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

244

**CRM-M-41433 of 2020
Date of Decision: 08.10.2021**

Mukesh Kumar and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Sandeep Singh Jattan, Advocate,
for the petitioners.

Mr. Munish Sharma, AAG, Haryana

Mr. Sandeep Saini, Advocate,
for respondent no.2.

AMOL RATTAN SINGH, J. (ORAL)

This case has been taken up out of turn on the request of learned counsel for the petitioners and respondent no.2 on the ground that the petition being one seeking quashing of the FIR in question on the basis of a compromise reached between the parties and with their statements in terms of such compromise already having been recorded before the learned JMIC, Shahabad, the petition may be disposed of.

On January 04, 2021 the following order had been passed in this case by this court:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the

Covid-19 pandemic.

This petition has been filed seeking quashing of FIR no. 76 dated 06.04.2020, registered at Police Station Babain, District Kurukshetra, for the alleged commission of the offences punishable under Sections 148, 149, 188, 323, 341, 500 of the IPC (as also all other subsequent proceedings arising therefrom), on the basis of a compromise arrived at between the petitioners and respondent no.2. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Notice of motion be issued to the respondents.

On the asking of the Court, Mr. Ramdeep Partap Singh, DAG, Punjab, accepts notice on behalf of respondent no.1 and Mr. Sandeep Saini, Advocate appears and accepts notice on behalf of respondent no.2.

A copy of the petition be handed to them during the course of the day.

Adjourned to 04.03.2021.

In the meanwhile, the petitioners, as also respondent no.2 would appear before the learned Area Magistrate/trial Court (as the case may be) up to 02.02.2021 to record their statements. That Court would satisfy itself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing.

That Court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed.

The learned State counsel would also verify whether there are any other criminal cases, of like nature or otherwise, pending against the petitioners.”

Pursuant thereto, the report of the learned JMIC, Shahabad, dated 27.01.2021, has been received, stating to the effect that the 6 petitioners as also the complainant in the FIR (respondent no.2), appeared before that court and made their respective statements to the effect that the matter has indeed been compromised between them and as per the opinion of that court the said compromise has been arrived at wholly of the free will of the parties.

It has also been stated that though 7 persons were accused of having committed the offences as alleged in the FIR, eventually it is only the 6 petitioners herein who were charge-sheeted, with one Mahinder Singh not having been charge-sheeted, with learned counsel for the State also submitting as per his instructions, that he was declared to be innocent.

It has also been stated that other than respondent no.2, Gurdeep Singh, no other person would be found to be a victim in the case, [which would also be apparent from the reading of the FIR as also from the reply (which is ordered to be taken on record)].

That being so, looking at the nature of the offences, the petition is allowed and FIR No.76 dated 06.04.2020, registered at Police Station Babain, District Kurukshetra, for the alleged commission of offences punishable under Sections 148, 149, 188, 323, 341, 500 and 506 of the IPC, along with all proceedings emanating therefrom, is hereby quashed.

October 08, 2021
dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No