

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

CRM-M-48797 of 2019.

Decided on:- March 01, 2021.

Birma @ Brahma Devi and others

.....Petitioners.

Versus

State of Haryana and others

.....Respondents.

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

Present:- Mr. Ram Bilas Gupta, Advocate
for the petitioners.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

Mr. Rohit Rana, Advocate for
Mr. Vipin Sharma, Advocate
for respondents No.2 and 3.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.160 dated 08.07.2019 under Sections 323, 354-B and 506 read with Section 34 IPC registered at Police Station Tigaon, District Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 12.09.2019 (Annexure P-2).

This Court vide order dated 18.11.2019 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, Faridabad and got their statements recorded on 19.12.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 21.12.2019 to the effect that the compromise has been effected between the parties out of their own sweet will, without any undue coercion and pressure and the compromise is genuine and valid.

Respondent No.2-complainant, namely, Shiba and respondent No.3-injured Ajay have made a joint statement with regard to compromise before learned Magistrate on 19.12.2019. The same is reproduced as under:-

“Stated that the present case Stated that the present case FIR No.160 dated 08.07.2019 u/s 323, 354-B, 506 read with Section 34 of IPC, P.S. Tigaon, Faridabad 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 the accused qua the complainant. I do not want to pursue the present case/FIR against the accused namely Birma (a@ Brahma Devi wife of Sh. Girraj, Vilkrant (@ Robin s/o Manoj, Manoj s/o Girraj and Sarita w/o Manoj all are rs/o Village Sadpura, Tehsil Tigaon, Faridabad. Both the parties are belong to same family. we have compromised the matter and have no grievances with each other. FIR may kindly be quashed.”

Learned State counsel as well as learned counsel for respondents No.2 and 3 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.160 dated 08.07.2019 under Sections 323, 354-B and 506 read with Section 34 IPC registered at Police Station Tigaon, District Faridabad (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 12.09.2019 (Annexure P-2).

March 01, 2021

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No