

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

**CRM No.6510 of 2022 in/and
CRM-M No.4417 of 2021
Date of decision: 28.02.2022**

Surender Singh @ Raja

....Applicant/Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Chirag Wadhwa, Advocate
for the applicant/petitioner.

Mr. Pardeep Prakash Chahar, Dy. Advocate General, Haryana
for respondent No.1/State.

Mr. Gurinder Dhillon, Advocate
for respondent No.2/complainant.

(Proceedings through V.C.)

PANKAJ JAIN, J. (ORAL)

CRM No.6510 of 2022

For the reasons mentioned in the application, the prayer for preponement is allowed and the main case is taken up on Board today itself for consideration.

Application stands disposed off.

CRM-M No.4417 of 2021

The petitioner has approached this Court seeking quashing of FIR No.227 dated 26.09.2007, registered under Sections 323, 324, 34 IPC, 1860 at Police Station Butana, District Karnal (Annexure P-1) on the basis

of affidavit/compromise dated 04.01.2020 (Anneuxre P-2) .

2. On 02.11.2021, the following order was passed:-

“As prayed for by the learned counsel for the petitioner, and, the learned counsel for respondent No. 2-complainant/informant, the learned Magistrate concerned, is directed to, through summons, ensure the respective appearances before him, of the petitioner, and, of the power of attorney of respondent No. 2-complainant/informant, for hence ensuring theirs making theirs respective testifications, with respect to the genuineness, and, voluntariness, of the compromise, entered into amongst the concerned, besides with respect to the veracity of, affidavit of the complainant, as carried in Annexure P-2.

The report of the learned Magistrate concerned, be ensured to be placed, before this Court, before the next date of hearing.

List on 10.2.2022.

In the meantime, the learned trial Magistrate may not proceed further, with the proceedings, if any, pending before him, and, as arise from the FIR concerned.

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3. Pursuant to the aforesaid order, report has been received from the Ld. Judicial Magistrate 1st Class, Karnal wherein it has been stated that :-

“....In my opinion, the compromise is genuine, voluntary and without any coercion or undue influence as both the parties have assembled in the court and made the statements voluntarily. The Special Power of Attorney executed by Sh. Sukhwinder Singh complainant duly authorizes Smt. Surinder Kaur to make statement on his behalf.”

4. Learned counsel appearing for respondent No.2/complainant admits the fact of the parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioner are quashed.

5. Similarly, learned Deputy Advocate General, Haryana has stated that both the offences punishable under Sections 323, 324 of the IPC are compoundable and he has no objection in case the FIR is quashed based upon the affidavit/compromise (Annexure P-2).

6. Keeping in view the aforesaid facts, the present petition is allowed. FIR No.227 dated 26.09.2007, registered under Sections 323, 324, 34 IPC, 1860 at Police Station Butana, District Karnal (Annexure P-1) and all proceedings subsequent thereto are hereby quashed *qua* the petitioner.

February 28, 2022
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No