

123-2

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

**CRM-9373-2022 in/and
CRM-M No.4806 of 2021
Date of decision : 17.03.2022**

Vishal Gera and another

....Applicants/Petitioners

Versus

State of Haryana and another

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Rohit Rana, Advocate
for the applicants/petitioners.

Mr. Zorawar S. Chauhan, Dy. Advocate General, Haryana
for respondent No.1/State.

Mr. Kunal Dawar, Advocate
for respondent No.2/Complainant.

(Proceedings through V.C.)

PANKAJ JAIN, J. (ORAL)

CRM-9373-2022

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

Application stands disposed off.

CRM-M No.4806 of 2021

The petitioners have approached this Court seeking quashing of F.I.R No.0010, dated 12.01.2021, under Sections 323, 325, 506, 34 of the Indian Penal Code, 1860 registered at Police Station Faridabad Central,

District Faridabad, Haryana (Annexure P-1) on the basis of compromise deed dated 16.01.2021 (Anneuxre P-2) .

2. On 15.02.2021, the following order was passed:-

“The matter is taken up for hearing through video conference due to COVID-19 situation.

Notice of motion.

Mr. Deepak Bhardwaj, DAG, Haryana and Mr. Kunal Dawar, Advocate appearing on advance notice accept the same on behalf of respondents No. 1 and 2, respectively.

Learned counsel for the petitioner and respondent No.2 are ad idem that the matter has been compromised.

Learned counsel for respondent No.2 is not opposing the quashing of FIR.

Let the parties appear before Illaqa Magistrate/trial Court on 3.03.2021 for recording their statements with regard to the compromise/settlement.

The trial court is directed to submit a report on or before the next date of hearing containing the following information:

- 1. Number of persons arrayed as accused in FIR;*
- 2. Whether accused is proclaimed offender; and*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

List on 5th April, 2021.”

3. Pursuant to the aforesaid order, report dated 17.03.2021 has been received from Ld. Additional Chief Judicial Magistrate, Faridabad, who has reported as under : -

“i. There are only two accused namely Preet Gera and Vishal Gera in this FIR.

ii. No accused is proclaimed offender in this FIR.

iii. Compromise appears to be genuine and voluntarily effected between the parties.”

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

5. Similarly, Ld. Deputy Advocate General, Punjab has stated no objection in case the FIR is quashed based upon the Compromise Deed (Annexure P-2).

6. Keeping in view the aforesaid facts, the present petition is allowed. F.I.R No.0010, dated 12.01.2021, under Sections 323, 325, 506, 34 of the Indian Penal Code, 1860 registered at Police Station Faridabad Central, District Faridabad, Haryana (Annexure P-1) and all proceedings subsequent thereto are hereby quashed qua the present petitioners.

March 17, 2022
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No