

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7738-2022

Date of decision : 13.09.2022

Pardeep

..... Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Sandeep Lather, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Mahesh Saxena, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioner is seeking quashing of FIR No.144 dated 22.08.2017 registered under Sections 323 & 506 IPC at Police Station, Alewa, District Jind, on the basis of compromise affidavit dated 09.02.2022 (Annexure P-2).

On 23.02.2022, the following order was passed:-

“By filing this petition, quashing of FIR No. 144 dated 22.8.2017 registered under Sections 323, 506 IPC at Police Station Alewa, District Jind and other consequential proceedings arising therefrom qua petitioner has been sought on the basis of compromise. Notice of motion.

Mr. Saurabh Girdhar, AAG Haryana and Mr. Mahesh Saxena, Advocate accept notice on behalf

of respondent No. 1 State and respondent No. 2 respectively.

Parties may appear before learned trial Court/Illaq Magistrate concerned on 8.3.2022 or any other date convenient to said Court and get their statements recorded with regard to compromise. The original compromise shall be produced before the said court. In the event of their statements being recorded, the Court will send copies of same to this Court before next date of hearing alongwith its report :

- i) regarding genuineness and voluntary nature of compromise ;*
- ii) whether all accused/petitioners are appearing before the Court or are on bail; and*
- iii) whether any other proceeding is pending against the accused/ petitioner.*

Adjourned to 31.5.2022.”

Pursuant to the aforesaid order, report from Judicial Magistrate Ist Class, Jind has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“2. The separate statements of complainant - Pooja and accused - Pardeep recorded qua the compromise as per the directions of Hon'ble High Court. The statements were recorded after ensuring that the parties to the case were deposing voluntarily and without any pressure, coercion or undue influence. The parties have stated that they have compromised the matter voluntarily. The parties have been duly identified by their counsels. Further, the photocopy of Aadhar Card of complainant and accused have been

taken on record to establish their identity.

3. As per the respective statement of complainant and accused Pardeep the compromise seems to have been effected voluntarily and further seems to be genuine compromise.”

Mr. Mahesh Saxena, Advocate appears for respondent No.2, admits the fact of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioner is quashed.

Similarly, learned Assistant Advocate General, Haryana has stated no objection in case the FIR is quashed based upon the compromise affidavit dated 09.02.2022 (Annexure P-2).

Keeping in view the fact that offences punishable under Sections 323 and 506 IPC under which the petitioner has been booked are compoundable and compromise has been effected, the present petition is allowed. FIR No.144 dated 22.08.2017 registered under Sections 323 & 506 IPC at Police Station, Alewa, District Jind, and all proceedings subsequent thereto are hereby quashed.

(PANKAJ JAIN)
JUDGE

13.09.2022
ps-I

Whether speaking/reasoned Yes

Whether Reportable : No