

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9225-2021

Date of decision : 18.08.2022

Sunny and another

..... Petitioners

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Jagjeet Singh, Advocate
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Karan Dev Sharma, Advocate with
Mr. Gurneet Sagoo, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioners are seeking quashing of FIR No.869 dated 25.09.2016 registered under Sections 323, 34 and 506 IPC at Police Station, Hisar City, District Hisar, on the basis of compromise dated 01.02.2021 (Annexure P-2).

On 20.04.2021, the following order was passed:-

“The private parties are directed to appear before the trial Court/Ilaqa Magistrate on or before 13.05.2021 for recording their statements with regard to compromise/settlement. Trial Court/Ilaqa Magistrate 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 any accused is proclaimed

offender.

3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.
4. Whether the accused persons are involved in any other case or not.
5. Trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

A copy of the report be also sent through fax to the Registrar Judicial of this Court.

Adjourned to 09.07.2021.”

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

“From the above joint statement of the parties and Investigating Officer, it is apparent on record as follows:

1. Sunny and Ms. Dimple are arrayed as accused in the present FIR.
2. The accused are not a proclaimed offender.
3. The compromise is genuine, voluntary and without any coercion or undue influence.
4. Accused Ms. Dimple and Sunny are not involved in any other FIR.
5. There is only victim complainant i.e. Ms. Sonu in the present FIR.

Parties were duly identified by their respective counsels and their Adhar Card have also been attached. Original statements of the parties dated 07.05.2021, original statement of Head Constable Surinder Singh dated 11.05.2021 and copy of zimni

order dated 07.05.2021 and 11.05.2021 are annexed herewith.

Report is submitted accordingly.”

Mr. Karan Dev Sharma, 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 petitioners are quashed.

Similarly, learned Assistant Advocate General, Haryana has stated no objection in case the FIR is quashed based upon the compromise dated 01.02.2021 (Annexure P-2).

Keeping in view the fact that offences punishable under Sections 323, 34 and 506 IPC under which the petitioners have been booked are compoundable and compromise has been effected, the present petition is allowed. FIR No.869 dated 25.09.2016 registered under Sections 323, 34 and 506 IPC at Police Station, Hisar City, District Hisar, and all proceedings subsequent thereto are hereby quashed.

(PANKAJ JAIN)
JUDGE

18.08.2022
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No