

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

CRM-M-11978-2021

Date of Decision : 29.08.2022

Rahul Vashisht and another

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

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

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Krishan Rana, Advocate
for Mr. Saksham Arora, Advocate
for respondent No.2.

PANKAJ JAIN, J(ORAL)

By way of present petition, the petitioners are seeking quashing of FIR No.133 dated 01.05.2019 registered under Sections 323, 379-B, 427, 34 IPC at Police Station, Sector 17, District Faridabad, Haryana, on the basis of compromise/settlement dated 28.07.2020 (Annexure P-2).

On 16.03.2021, the following order was passed:-

“The case has been taken up for hearing through video conferencing.

Prayer made in this petition is for quashing of FIR as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion for 13.07.2021.

At this stage, Mr. Saksham Arora, Advocate appears on behalf of respondent No.2.

In the meantime, parties would appear before the Illaqa Magistrate on 31.03.2021 for recording their statements. The concerned Court would file its report in the context of validity and genuineness of the compromise in question. The Court shall make a report in respect of antecedent behaviour of criminal activity of the accused and also with regard to total number of accused involved in the case and his/their status of being proclaimed offender/person.”

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

- (i) I am of the considered opinion that genuine compromise has been entered between the complainant and accused persons voluntarily, without any coercion or undue influence. Hence the compromise is valid and guine.
- (ii) As per joint statement of accused persons, they have never been arrested in any other criminal case and no other criminal case is pending against them.
- (iii) As per joint statement of accused persons, only two accused person are involved in this case.
- (iv) As per joint statement of accused persons, they have never been declared as PO by any Court of law.”

Mr. Krishan Rana, Advocate for Mr. Saksham Arora, Advocate appears for respondent No.2 and 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 28.07.2020 (Annexure P-2).

Keeping in view the fact that offences punishable under Sections 323, 379-B, 427, 34 IPC under which the petitioners have been booked are compoundable and compromise has been effected, the present petition is allowed. FIR No.133 dated 01.05.2019 registered under Sections 323, 379-B, 427, 34 IPC at Police Station, Sector 17, District Faridabad, Haryana, and all proceedings subsequent thereto are hereby quashed qua petitioners.

29.08.2022

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(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No