

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

CRM-M-14322-2022

Date of decision : 06.09.2022

Gaurav Sharma

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Ishita Negi, Advocate for
Mr. Sudarshan Kumar, Advocate
for the petitioner.

Mr. R.K. Ambavta, Asstt. Advocate General, Haryana
for respondent No.1/State.

Mr. Vinesh Dahiya, Advocate
for respondent No.2.

PANKAJ JAIN, J. (ORAL)

The petitioner has approached this Court seeking quashing of FIR No.72 dated 23.02.2020, registered for the offences punishable under Sections 323, 325 of the Indian Penal Code, 1860 (for short, 'the IPC'), at Police Station Chandimandir, Panchkula (Annexure P-1) on the basis of compromise dated 15.03.2022 (Annexure P-2) .

2. On 06.04.2022, the following order was passed :-

“Present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.72 dated 23.02.2020, under Sections 323, 325 IPC registered at Police Station Chandimandir, Panchkula and subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion.

Mr. Saurabh Girdhar, AAG, Haryana and Mr. Sudarshan Kumar, Advocate accepts notice on behalf of respondents No.1/ State and 2 respectively.

Parties may appear before concerned Illaqa Magistrate/trial Court on 07.04.2022 or on any other date convenient to the said Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before the trial Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with its report:

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

Adjourned to 28.07.2022.”

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

“i) Regarding genuineness & voluntary nature of compromise?

- * The compromise between the parties appears to be genuine, voluntary and without any coercion and undue influence. Statement of complainant as well as accused was recorded wherein they categorically affirmed the fact that they have compromised the dispute amicably with free will and without any coercion and undue influence. Identity of the parties was duly confirmed.

Complainant categorically submitted that he has no objection that if the present FIR is quashed by the Hon'ble High Court. Copy of statement of the parties is being enclosed along with original compromise and aadhar cards of the parties.

ii) Whether all accused/petitioners are appearing before the Court or all on bail?

- * Yes, there is only one accused namely Gaurav Sharma against whom charge sheet has been filed and he is on bail.

iii) Whether any other proceedings is pending against the accused/petitioner?

- * As per the report furnished by the Investigating Officer, accused Gaurav is involved in another case i.e. FIR No.38 dated 14.03.2015 under Sections 498A, 406, 323, 376 IPC PS Sadora, District Yamuna Nagar (Haryana).”

4. Learned counsel appearing for respondents No.2 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 present petitioner are quashed.

5. Similarly, learned State Counsel has stated no objection in case the FIR is quashed based upon the compromise (Annexure P-2).

6. Keeping in view the aforesaid facts, the present petition is allowed. FIR No.72 dated 23.02.2020, registered for the offences punishable

under Sections 323, 325 of the IPC, at Police Station Chandimandir, Panchkula (Annexure P-1) and all proceedings subsequent thereto are hereby quashed *qua* the present petitioner.

September 06, 2022		(PANKAJ JAIN)
Dpr		JUDGE
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No