

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

CRM-M-25477-2022

Date of decision : 28.09.2022

RAKESH AND ORS

... Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. R.K. Bagga, Advocate for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

Mr. Lalit Yadav, Advocate for the complainant.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of FIR No.101 dated 27.05.2016 (Annexure P-1) registered under Sections 148, 149, 323, 365 IPC, 1860 at Police Station Kalayat, District Kaithal and all consequential proceedings as well as Judgment and Conviction Order dated 10.12.2019 and 11.12.2019 passed by the learned Judicial Magistrate, 1st Class, Kaithal (Annexure P-2) on the basis of compromise dated 12.05.2021 (Annexure P-3) arrived at between the parties.

Vide order dated 02.06.2022 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 05.04.2022 with regard to the compromise dated 12.05.2022 (P-3).

The Illaqa Magistrate/trial Court was to submit a report in this regard giving certain details as enumerated in the said order.

Pursuant to the order dated 02.06.2022 passed by this Court, the parties have appeared before the learned Additional Sessions Judge, Kaithal and as per the report dated 05.07.2022 submitted to this Court, both the parties have got recorded their respective statements in Court.

A perusal of the aforesaid report would show that the parties have effected a genuine compromise without there being any pressure, coercion or undue influence.

The Hon'ble Supreme Court in "***Ramgopal and another versus State of Madhya Pradesh, 2021(4) RCR (Criminal) 322***", has held that in non-compoundable cases of pre-dominantly private nature, even if compromise is reached after conviction, the proceedings can be quashed under Section 482 Cr.P.C. Further, the compromise in the present case is found to be fully in consonance of judgments with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543***".

In view of the aforesaid report of the learned Additional Sessions Judge, Kaithal accompanied by statements of both the parties, the FIR No.101 dated 27.05.2016 (Annexure P-1) registered under Sections 148, 149, 323, 365 IPC, 1860 at Police Station Kalayat, District Kaithal along with all consequential proceedings arising therefrom including the appeal proceedings pending qua the judgment of conviction and order of sentence before the learned Additional Sessions Judge, Kaithal are hereby quashed qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

28.09.2022
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No