

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

CRM-M-52602-2021 (O&M)

Date of Decision: 05.05.2022

Vinod Kumar

...Petitioner

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Lalit Pardhan, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Lajpat Rai Sharma, Advocate, for respondent No.2.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking quashing of FIR No.459 dated 12.12.2014 registered at Police Station City Dadri, District Charkhi Dadri, under Sections 323/342/506 IPC & Section 23 of Juvenile Justice (Care & Protection of Children) Act, 2000 as well as setting aside of judgment and conviction dated 03.08.2017 and order of sentence dated 05.08.2017 passed by the learned Sub Divisional Judicial Magistrate, Charkhi Dadri, in respect of which an appeal is pending before the Lower Appellate Court and all subsequent proceedings emanating therefrom on the basis of a compromise having been effected between the parties.
2. Vide order dated 16.12.2021, the parties had been directed to appear before the Lower Appellate Court so as to get their statements recorded qua the factum of compromise.
3. Report of learned Additional District & Sessions Judge, Charkhi Dadri, has been received, wherein it has been reported that the statements of accused/petitioner, namely, Vinod Kumar as well as of complainant

Bhawana, who are none else, but inter se related being father and daughter, have been recorded to the effect that they have compromised the matter amongst themselves.

4. The complainant Bhawana in her statement has stated that she does not want to proceed any further against the petitioner.
5. The learned Additional District & Sessions Judge, Charkhi Dadri, has specifically opined that the parties have entered into compromise without any coercion or undue influence.
6. In view of the aforesaid compromise and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the present petition is allowed and FIR No.459 dated 12.12.2014 registered at Police Station City Dadri, District Charkhi Dadri, under Sections 323/342/506 IPC & Section 23 of Juvenile Justice (Care & Protection of Children) Act, 2000 and all subsequent proceedings emanating therefrom are hereby quashed qua the petitioner.
7. As a result thereof, judgment and conviction dated 03.08.2017 and order of sentence dated 05.08.2017 passed by the learned Sub Divisional Judicial Magistrate, Charkhi Dadri is set aside. If the petitioner is on bail, he shall stand discharged of his bail bonds. Surety bonds shall also stand discharged.

05.05.2022
Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**