

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12682-2022 (O&M)
Date of Decision:-14.03.2023

PRASHANT AND ORS ... Petitioners
Versus
STATE OF HARYANA AND ANOTHER ... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Deepanshu Matya, Advocate for the petitioners.
Mr. Naveen Kumar Sheoran, DAG, Haryana.
Mr. Navneet Kumar, Advocate for respondent No.2.

KARAMJIT SINGH, J. (Oral)

CRM-10921-2023

This is an application for placing on record death certificate of one of the victims namely Krishna Devi (Annexure P-5).

No objection has been pleaded by non-applicant/respondent No.2.

In view of the above, the application is allowed and death certificate of the victim namely Krishna Devi (Annexure P-5) is ordered to be taken on record subject to all just exceptions.

CRM-10923-2023

Allowed as prayed for subject to all just exceptions.

CRM-10924-2023

In view of the reasons mentioned in the application, the same is allowed and the main case is ordered to be taken on board today itself.

Main Case

Present petition is for quashing of FIR No.140 dated 11.12.2011 registered under Sections 323, 324, 326, 34 IPC at Police Station Rajendra Park, District Gurugram and judgment of conviction dated 30.01.2017 (Annexure P-2) passed by Judicial Magistrate Ist Class, Gurugram on the basis of compromise dated 7.3.2022 (Annexure P-3) along with other consequential proceedings arising thereto.

Mr. Navneet Kumar, Advocate puts in appearance on behalf of the complainant and has filed power of attorney, which is ordered to be taken on record.

The abovesaid FIR was registered on the application moved by complainant/respondent No.2-Naresh Kumar against the petitioners alleging that petitioners caused injuries to him and his mother Krishna Devi (since deceased). The death certificate of Krishna Devi is Annexure P-5. .

On notice of motion, respondent No.2 appeared in the Court through his counsel and pleaded that he has no objection if the FIR in this case is quashed on the basis of the aforesaid compromise which has been effected between the parties.

During the course of preliminary hearing, the Appellate Court was directed to record the statements of the all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

In compliance thereof, report from the Additional District and Sessions Judge, Gurugram along with statements of the parties has been

received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

I have heard learned counsel for the parties

Learned counsel for the parties are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion.

A Division Bench of this Court in **Sube Singh and Another vs. State of Haryana and Another, 2013(4) RCR(Criminal) 102** allowed the compromise quashing petition and quashed the FIR as well as all the subsequent proceedings thereof including judgment and order passed by the Court of Additional Chief Judicial Magistrate whereby the accused persons were convicted and sentenced to imprisonment and further held that the appeal preferred by the accused persons against the aforesaid judgment and order has been rendered infructuous.

Recently the Hon'ble Apex Court in **Criminal Appeal No.1393 of 2011** titled as **Ramawatar vs. State of Madhya Pradesh** decided on 25.10.2021 quashed all the proceedings including judgment and order of conviction and sentence passed by the trial Court against which the appeal was pending in the High Court, on the basis of the compromise effected between the parties.

In the case in hand, the parties have effected compromise. In view of the compromise, respondent No.2 does not want to take any further

action against the petitioner. I am of the view that the aforesaid compromise is in the welfare and interest of the parties and will enable the parties to live in peace and enjoy their life in a dignified manner. So no fruitful purpose would be served by keeping the proceedings pending in the Appellate Court.

For the reasons aforestated and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543** and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, this petition is allowed and FIR No.140 dated 11.12.2011 registered under Sections 323, 324, 326, 34 IPC at Police Station Rajendra Park, District Gurugram and judgment of conviction dated 30.01.2017 (Annexure P-2) passed by Judicial Magistrate Ist Class, Gurugram on the basis of compromise dated 7.3.2022 (Annexure P-3), along with other consequential proceedings arising thereto are quashed on the basis of compromise (Annexure P-3).

Resultantly, the appeal preferred by the petitioners against the aforesaid judgment and order 30.1.2017 (Annexure P-2) would be rendered infructuous.

The present petition stands allowed in the aforesaid terms.

14.03.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No