

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

**CRM-M No.13147 of 2023 (O&M)
Date of decision: 20.07.2023**

Lal Singh Yadav and others

... Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.K.Tripathi, Advocate, for the petitioners.

Mr. Saurabh Girdhar, AAG, Haryana for respondent No.1.

Mr. Rajveer Singh Brar, Advocate, for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.0404 dated 04.10.2021 (P-1), under Sections 147, 149, 323 & 506 of the Indian Penal Code, 1860, registered at Police Station Palam Vihar, District Gurugram along with all consequential proceedings arising therefrom on the basis of compromise dated 04.03.2023 (P-2), entered into between the parties i.e. petitioners as well as respondent No.2.

(2) Allegations are that marriage between petitioner No.2 and respondent No.2 was solemnized on 21.04.2021. Due to matrimonial

discord, the marriage could not succeeded and both parties i.e. petitioner(s) as well as respondent No.2 lodged FIRs against each others.

(3) The Co-ordinate Bench, while issuing notice of motion on 16.03.2023, passed the following order:-

“The petitioners have filed the present petition under Section 482 Cr.P.C. for quashing of FIR No. 0404, dated 04.10.2021, under Sections 147, 149, 323, 506 of IPC, registered at Police Station Palam Vihar, District Gurugram, and all the consequential proceedings arising therefrom, on the basis of the affidavit dated 04.03.2023 (Annexure P-2), effected between the parties.

Learned counsel for the petitioners submits that both the parties have amicably resolved their dispute through an affidavit dated 04.03.2023 (Annexure P-2). He further submits that if, proceedings arising from the aforementioned FIR are quashed, both the parties will live their life peacefully.

Learned counsel also submits that all the accused and victim(s), including the complainant are already party in the present petition.

Notice of motion.

On asking of the Court, Mr. Vikas Bhardwaj, AAG, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State.

Mr. Rajveer Singh Brar, Advocate, appears on behalf of respondent No. 2, and admits execution of the compromise.

The affected parties are directed to appear before the learned Trial Court/ Illaqa Magistrate on 13.04.2023 or any other date convenient to the learned Trial Court/Illaqa Magistrate, who shall record their respective statements with regard to the compromise and submit a detailed report in that regard along with copies of the statements to this Court on or before the adjourned date, containing the following information as well:-

- i. Total number of persons arrayed as accused in the case;*
- ii. Whether all the accused and complainant / victims are party to compromise;*
- iii. Whether any accused has been declared as a proclaimed offender or any such proceedings have been initiated or pending decision;*
- iv. Stage of the trial/proceedings; and*
- v. Whether the compromise is genuine, voluntary, and without any coercion or undue influence.*

For awaiting report, adjourned to 17.05.2023.

Reply by the respondent-State, if any, be filed on or before the next date of hearing.”

(4) In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate First Class, Gurugram and submitted a report dated 06.05.2023. The operative part of the same reads as under:-

“This court is convinced that the compromise between the complainant Braham Parkash and the accused Lal Singh Yadav, Chuttan Singh and Jitender Singh is genuine, voluntary and valid, as it is not the result of any undue influence or coercion. The complainant and the accused have maintained uniformity in regard to the validity of compromise. The respective affidavits of the complainant and accused (Ex.C2 and Ex.C4) on record further give momentum to the validity and authenticity of the compromise.”

(5) A perusal of the aforesaid report clearly reveals that the matter has been compromised by both parties with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no objection by either of the parties against each other.

(6) Learned State Counsel, on instructions from the police official present in the Court, also submitted that they have no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of compromise effected between the parties.

(7) In view of above, this Court is fully convinced that alleged offence(s) are entirely personal in nature and do not affect any public peace or tranquility. Thus, quashing of the FIR in question along with

consequential proceedings, on the basis of compromise would bring peace and harmony to secure the ends of justice.

(8) Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioner, subject to costs of Rs. 10,000/-. Costs be deposited with Advocates Welfare Fund, Punjab and Haryana High Court Bar Association, Chandigarh.

July 20th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>