

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-41357-2017

Rambir and Others

....Petitioners

Vs.

State of Haryana and Others

....Respondents

CRM-43438-2017

Jai Prakash and Others

....Petitioners

Vs.

State of Haryana and Others

....Respondents

Date of Decision:03.07.2023

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Akshay Partap Singh, Advocate
for the petitioners in CRM-M-41357-2017
and for respondents in CRM-M-43438-2017.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Sarfraj Hussain, Advocate for
respondents in CRM-M-41357-2017
and for petitioners in CRM-M-43438-2017.

DEEPAK GUPTA, J.

This order shall dispose of two petitions referred above filed under Section 482 Cr.P.C. for quashing of FIR No.233 dated 08.06.2016 registered under Sections 323, 325, 452, 506, 307 of the IPC registered at Police Station Pataudi, Gurugram and FIR No.232 dated 08.06.2016 registered under Sections 147, 148, 149, 323, 452, 506 of the IPC (Sections 325, 326, 307 of the IPC added later on) registered at Police Station Pataudi, District Gurgaon and all the subsequent proceedings arising therefrom on

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the basis of compromise, as both of them have arisen out of the same occurrence.

This Court vide order dated 17.12.2018 had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before Learned Additional District & Sessions Judge, Gurugram and got their statements recorded. On the basis of the statements so recorded, Learned Additional District & Sessions Judge has submitted report dated 17.01.2019 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

Relevant part of report reproduce as under:

“Stated that We had compromised the matter with accused Ajit and Lalit. We do not want to pursue further with the case in hand. We had no objection if FIR no.232, dated 8.6.2016 under Sections 147, 148, 149, 323, 325, 326, 452, 307, 506 of IPC, P.S. Pataudi, District Gurugram is quashed. There is no ill-will remains between both the parties now. The compromise has been taken place with the involvement of the respectable persons of the society and Gram Panchayat. Photostat copy of the compromise is Ex.C1. No undue pressure has been imposed upon us by the accused party for the compromise of this matter. Accused Lalit and Ajit have been granted interim bail by the Hon’ble Supreme Court. The photostat copy of order of Hon’ble Supreme Court is attached herewith. A case FIR no.233, dated 8.6.2016 under Sections 147, 148, 323, 325, 307, 452, 506, 34 of IPC, P.S. Pataudi regarding the same incident is pending

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on us in the Court of Ms. Suruchi Atreja, ASJ, Gurugram for today i.e. 14.01.2019. The matter has also been compromised between both the parties and a petition under Section 482 of Cr.P.C. for quashing of FIR is pending in the Hon'ble High Court vide CRM M No.41357/2017 and notice of motion has already been issued and the next date of hearing in the Hon'ble High Court is 31.1.2019."

Learned counsel for the parties have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303***, both the petitions are allowed and FIR No.233 dated 08.06.2016 registered under Sections 323, 325, 452, 506, 307 of the IPC registered at Police Station Pataudi, Gurugram and FIR No.232 dated 08.06.2016 registered under Sections 147, 148, 149, 323, 452, 506 of the IPC (Sections 325, 326, 307 of the IPC added later on) registered at Police Station Pataudi, District Gurgaon, and all the subsequent proceedings arising therefrom on the basis of compromise are quashed qua the petitioner(s).

July 03, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No