

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

(246)

CRM-M-26247-2023

Date of Decision : July 21, 2023

Ram Kumar and others**.. Petitioners****Versus****State of Haryana and another****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Shivam Grover, Advocate, for the petitioners.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

Mr. Jasan Singh Sekhon, Advocate, for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, the prayer of the petitioners is for quashing of Complaint No. COMI/1664/2014 registered under Sections 323, 342, 452, 365, 504, 506 and 34 of the IPC, 1860 at Police Station Chappar, District Yamuna Nagar and all other subsequent proceedings arising therefrom, on the basis of compromise dated 07.04.2023 (Annexure P-2) entered into between the parties.

The Coordinate Bench of this Court while issuing notice of motion on 22.05.2023 had passed the following order:-

“This is a petition under Section 482 Cr.P.C. for quashing of complaint No. COMI/1664/2014 (Annexure P-1), under Sections 323, 342, 452, 365, 504, 506 and 34 of Indian Penal Code, 1860, registered at Police Station Chappar, District Yamunanagar, with all subsequent proceedings arising

therefrom, on the basis of compromise deed dated 07.04.2023 (Annexure P-2).

Notice of motion.

On the asking of the Court, Mr. G.S. Dhillon, AAG, Haryana accepts notice on behalf of respondent No.1-State.

Mr. Jasan Singh Sekhon, Advocate has put in appearance on behalf of respondent No.2 and has filed Power of Attorney. He admits the factum of compromise entered into between the parties.

List on 21.07.2023.

In the meantime, the parties are directed to appear before the Illaqa Magistrate/trial Court within a period of two weeks from today, for recording of their statements with regard to the compromise.

The trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- (i) Number of persons arrayed as accused in the FIR;*
- (ii) Whether any accused is declared as proclaimed offender?*
- (iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- (iv) Whether the accused persons are involved in any other FIR or not?."*

A report has come from Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhari, addressed to the Registrar General of this Court dated 03.06.2023 along with the statements of the accused-petitioners as well as the complainant which have been recorded. As per the said report, the compromise between the parties is bona fide and is not a result of any pressure or coercion on any of the parties to the compromise and none of the accused has been declared as proclaimed offender and no other criminal proceedings are pending against them. The relevant portion of the said report is as under:-

"The information as required by the Hon'ble High Court

is as under:-

- 1. As per the statement of HC Navtej Singh, No.531/Ynr., P.S. Chhappar there are three accused persons namely Ram Kumar, Ishwar Singh and Shamsher Singh in the present complaint.*
- 2. As per the statement of HC Navtej Singh, No.531/Ynr., P.S. Chhappar, none of the accused persons involved in the present complaint have been absconding or declared proclaimed offender in this case.*
- 3. The compromise is genuine, voluntary and out of free will of the parties without any coercion or undue influence.*
- 4. As per the statement of HC Navtej Singh, No.531/Ynr., P.S. Chhappar, none of the accused persons are involved in other FIR in the P.S. Chhappar, except the present complaint.”*

As per the statement of learned trial Court, the parties have already entered into compromise so as to live peacefully and no useful purpose will be served in keeping the Complaint No. COMI/1664/2014 alive.

Learned counsel for the respondent No.2-complainant admits the compromise as well as the statement made before the Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhari and does not raise any objection, in case Complaint No. COMI/1664/2014 in question is quashed on the basis of the compromise.

Learned State counsel has also not pointed out any objection in respect of the prayer of the parties for quashing the Complaint No. COMI/1664/2014 on the basis of the compromise.

Keeping in view the totality of the circumstances which have been mentioned herein before and that the parties have already entered into compromise to settle their dispute so as to live peacefully and none of the accused is a proclaimed offender and there are no other criminal cases against the accused-petitioners, this Court is inclined to accept the prayer of

the petitioners for quashing the Complaint No. COMI/1664/2014 on the basis of the compromise.

Thus, the Complaint No. COMI/1664/2014 registered under Sections 323, 342, 452, 365, 504, 506 and 34 of the IPC, 1860 at Police Station Chappar, District Yamuna Nagar and all other subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise entered into between the parties.

The above order, quashing of Complaint No. COMI/1664/2014, will be subject to the payment of Rs.10,000/- as cost to be deposited with Institute for Blind, Sector 26, Near Homoeopathic Medical College And Hospital, Chandigarh, by the petitioners.

July 21, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No