

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

279

CRM-M-28647-2023

Date of decision: 24.08.2023

Neeraj Kumar and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vishal Handa, Advocate
for the petitioners.

Mr. Karan Jindal, AAG, Haryana
for respondent No.1-State.

Mr. Saurabh Sharma, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is for quashing of FIR No.821 dated 20.12.2022 under Sections 148, 149, 323 and 506 of the Indian Penal Code, 1860 registered at Police Station Krishna Gate, Thanesar Kurukshetra, District Kurukshetra and all consequential proceedings arising out of the same, on the basis of compromise (Annexure P-2) arrived at, between the parties.

2. Vide order dated 01.06.2023 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 18.07.2023 to get their statements recorded regarding the compromise arrived at, between them.

3. Report has since been received from learned Judicial Magistrate Ist Class, Kurukshetra, in pursuance of the directions of this Court, wherein, the factum of the compromise arrived at between the

parties stands verified and confirmed. As per the report compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainant has also made statement to the effect that he would have no objection if the FIR *qua* the accused-petitioners is quashed. It has also been submitted by the learned Judicial Magistrate Ist Class, Kurukshetra that petitioner Manu Sharma and Neeraj Kumar are involved in a couple of other criminal cases, however, those cases are for offences under Section 323 of the IPC.

4. The Trial Court has annexed the statements of the parties in original, alongwith its report.

5. Learned State counsel too submits that there are no other accused other than the petitioners and respondent No.2 is the only aggrieved person in the FIR in question.

6. In view of the report of the learned Judicial Magistrate Ist Class, Kurukshetra and the principles laid down by the Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*, and also by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising out of it, are quashed.

7. Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

24.08.2023

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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