

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

270

CRM-M-30178-2022

Date of Decision :-18.07.2023

Ashish and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the petitioners.

Mr. Surender Singh, AAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C for quashing of quashing of the FIR No.38 dated 2.2.2022 registered under Sections 323, 324, 34, 506 IPC at Police Station Farrukh Nagar, District Gurugram and all other proceedings arising therefrom on the basis of compromise dated 25.03.2022 (Annexure P-2), which has been entered into between the parties.

On 15.07.2022, a Coordinate Bench of this Court had passed the following order:-

Prayer is for quashing of FIR No.38 dated 2.2.2022 registered under Sections 323, 324, 34, 506 IPC at Police Station Farrukh Nagar, District Gurugram on the basis of compromise (Annexure P-2).

Notice of motion.

At this stage, Mr. Satyaveer Singh, Advocate, accepts notice on behalf of the complainant/respondents No.2 and 3. Learned counsel for respondent No.2 has admitted the correctness of compromise (Annexure P-2) and stated that she has no objection if this petition is allowed.

On the asking of this Court, Mr. Naveen Kumar Sheoran, DAG, Haryana accepts notice on behalf of the State. He does not wish to file any reply as the parties are stated to have

effected the compromise.

So, the parties are directed to appear before the learned trial court/Illaqa Magistrate on 20.10.2022 or any other date convenient to the trial Court/Illaqa Magistrate and to get record their statements regarding compromise and after recording their statements, learned trial Court/Illaqa Magistrate, is directed to send the same along with his report regarding the genuineness of compromise on or before the date fixed in the instant petition specifically with regard to the following facts : -

1. Number of persons arrayed as accused in the FIR.
2. Whether any accused is proclaimed offender.
3. Stage of the trial/proceedings.
4. Whether the compromise is genuine, voluntary and without any coercion or undue influence.

To come up on 22.1.2023 for awaiting the report.

A copy of this order be sent to the learned trial Court/Illaqa Magistrate, through electronic mode, for compliance.

A report dated 20.09.2022 appended as (Annexure-A) has come from Sub-Divisional Judicial Magistrate Pataudi, Gurugram, addressed to the Registrar General of this Court 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 genuine, voluntary and without any coercion or undue influence and the accused have not been declared as proclaimed offender and no other criminal proceedings are pending against them. The relevant portion of the report is as under:-

“1) The complainant or affected/aggrieved parties are Jitender Sharma and Dharmender Sharma and they appeared before the court for recording their statement. There are two accused persons arrayed in FIR and they also appeared before the Court for recording their statement and proceedings in this case are pending for arguments on charge.

No accused was declared proclaimed offender in this case. Statement of IO also recorded to this effect.

Hence, in view the statemnet of interested parties, I am satisfied that they have compromised the matter amongst themselves without any fear, coercion or inducement and that the compromise has been voluntarily arrived at between them, statements of the interested parties in original enclosed herewith for kind perusal.”

As per the report of the trial Court, the parties have already entered into compromise so as to live peacefully hence, no useful purpose

will be served in keeping the FIR alive.

Learned State counsel has not raised any objection in respect of the prayer of the parties for quashing the FIR on the basis of the compromise.

Keeping in view the totality of the circumstances, which have been mentioned hereinbefore as the parties have already entered into compromise to settle their dispute so as to live peacefully and accused are not proclaimed offender, this Court is inclined to accept the prayer of the petitioners for quashing the FIR on the basis of the compromise.

Thus, FIR No.38 dated 2.2.2022 registered under Sections 323, 324, 34, 506 IPC at Police Station Farrukh Nagar, District Gurugram and all other subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of the compromise dated 25.03.2022 (Annexure P-2), entered into between the parties.

The above order, quashing of the FIR, will be subject to the payment of Rs.10,000/- as cost to be deposited with Kartar Aasra Old Age Home, Kartar Aasra Road, Rock Garden, Sector-1 Chandigarh, 160001, Kartar Aasra Trust, ICICI Bank, Current A/C No.001305500868, IFSC-ICICI00000013 by each petitioners.

July 18, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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