IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.29773 of 2023
Date of decision: 5th October, 2023

Jaswinder Singh & others

… Petitioners

Versus

State of Haryana & others

… Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. G.S. Sandhu, Advocate for the petitioners.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana for the respondent/State.

Mr. Sumit, Advocate for
Mr. Dinesh Mauraya, Advocate for respondents No.2 to 4.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0709 dated 09.11.2017 under Sections 148, 149, 323, 452 and 506 of the IPC (Sections 148 and 149 of the IPC deleted and Section 34 of the IPC added later on) registered at Police Station Assandh, District Karnal along with all consequential proceedings arising therefrom on the basis of compromise dated 20.05.2023 (Annexure P-2) effected between the parties.

2. Vide order dated 03.07.2023 of this Court, the parties were directed to appear before the learned trial Court/Illaqa Magistrate on 01.08.2023 to get their statements recorded regarding the compromise arrived at, between them.

RATTAN PAL SINGH
2023.10.06 17:55
I attest to the accuracy and
authenticity of this order/judgment
Chandigarh

3. Report has since been received from learned Sub Divisional Judicial Magistrate, Assandh, in pursuance of the direction 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. However, it has been further stated in the report that accused Jaswinder Singh is involved in two other cases i.e. FIR No.497 dated 05.08.2016 under Sections 406, 420, 504, 120-B IPC and FIR No.207 dated 21.04.2014 under Sections 420, 406, 467, 468, 471, 506, 120-B IPC pertaining to Police Station Assandh.

4. Learned counsel for the petitioners as well as private respondents, have however, submitted that it is a matter of record that FIR No.207 already stands quashed, whereas the petitioner was not even an accused in case FIR No.497. It has been further submitted that at present, other than the FIR in question, no other criminal case stands registered against the petitioners.

5. The trial Court has annexed the statements of the parties in original, alongwith its report.

6. Learned State counsel too submits that there are no other accused other than the petitioners, and respondents No.2 to 4 are the only aggrieved persons in the FIR in question.

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7. In view of the report of the learned Sub Divisional Judicial Magistrate, Assandh 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 v. 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 qua the petitioners, are quashed.

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

(MANJARI NEHRU KAUL)
JUDGE

October 5, 2023
rps

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

RATTAN PAL SINGH
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