

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

270

CRM-M-38336-2023

Date of decision: 13.09.2023

Vivek Yadav

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Tarun Yadav, Advocate
for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana
for respondent No.1-State.

Ms. Sunita Shekhawat, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is for quashing of FIR No.0166 dated 06.07.2023 under Sections 406, 420 of the Indian Penal Code, 1860 registered at Police Station Sadar Kanina, District Mahendergarh and all consequential proceedings arising out of the same, on the basis of compromise dated 28.07.2023 (Annexure P-2) arrived at, between the parties.

2. Vide order dated 08.08.2023 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 14.08.2023 to get their statements recorded regarding the compromise arrived at, between them.

3. Report has since been received from learned Sub Divisional Judicial Magistrate, Kanina, 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-petitioner is quashed.

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

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

6. In view of the report of the learned Sub Divisional Judicial Magistrate, Kanina 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 qua the petitioner.

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

13.09.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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