

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

**CRM-M No.44577 of 2023
Date of Decision: 29.09.2023**

Saurav Yadav @ Sorabh and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Shashi Kumar Yadav, Advocate,
for the petitioners.

Mr. Kirpal Singh Thakur, AAG, Haryana
for respondent No.1-State.

Mr. Atul Yadav, Advocate appearing for
Mr. Nikhil Vats, Advocate
for respondent No.2.

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MEENAKSHI I. MEHTA, J.

The petitioners herein have prayed for the quashing of the FIR bearing No.34 dated 10.02.2020 registered at Police Station Kosli, District Rewari, under Sections 507 & 509 read with Section 34 IPC (wherein the offences under Sections 354-D, 451 & 506 IPC are stated to have been added subsequently), while averring that the parties have arrived at a compromise regarding their dispute, culminating in the registration of the said FIR.

2. Bereft of unnecessary details, the allegations, as levelled by respondent No.2-complainant in the subject FIR, are that during the

intervening night of 9/10.02.2020, at about 1.10 AM, the doorbell of her house rang and after sometime, she heard the sound coming from the backside and then, she heard a person saying that someone had trespassed into her house. Then, she called her neighbour and the police as well but in the meantime, the miscreant fled away from there and since then, she had constantly been receiving the calls from different phone-numbers and the caller was talking about Hitesh, petitioner No2 who, on being enquired, had disclosed that the name of the said caller was Sorabh, i.e petitioner No.1.

3. Vide the order dated 06.09.2023 as passed by this Court, the private parties had been directed to appear before the Illaqa Magistrate/trial Court on 11.09.2023 for recording their statements in respect of the afore-said compromise and in compliance of this order, learned Sub-Divisional Judicial Magistrate, Kosli, recorded their (parties') statements and has submitted her report (as already available on the file), while mentioning therein that the compromise arrived at between the parties, is genuine and the same has been affected by them voluntarily and out of their free will and without any threat or pressure and that there are only two accused, i.e the petitioners in the criminal case under reference and respondent No.2 is the complainant/aggrieved person in this case and that as per the statement of the Investigating Officer SI Ram Chander, none of the petitioners has been declared proclaimed offender nor any other criminal case is pending against them. Joint statement of the petitioners and separate statements of the complainant and the above-named SI, have also been annexed with the said report.

4. I have heard learned counsel for the petitioners as well as learned State counsel and learned counsel appearing for respondent No.2 in the instant petition and have also perused the file thoroughly.

5. The afore-mentioned compromise has been affected to put the dispute between the parties at rest for all the times to come and in view thereof, there are bleak chances of the conviction of the petitioners and in these circumstances, the continuation of the proceedings in the case arisen out of the subject FIR, would be an exercise in futility.

6. Keeping in view the above-discussed facts and circumstances and also the observations as made by Hon'ble the Supreme Court in **Gian Singh Versus State of Punjab and another (2012)4 RCR (Criminal) 543,** the FIR bearing No.34 dated 10.02.2020, as registered at Police Station Kosli, District Rewari, under Sections 507 & 509 read with Section 34 IPC (wherein the offences under Sections 354-D, 451 and 506 IPC are stated to have been added later-on) is hereby quashed. The petition in hand stands allowed accordingly.

29.09.2023
pooja

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>