

270 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-6406-2024 (O&M)

Date of Decision: 13.03.2024

BHALLE RAM AND ANOTHER

...Petitioners

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rishabh Jain, Advocate for
Mr. Man Mohan, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 113 dated 05.06.2016 registered under Sections 323, 325, 341, 506 and 34 of Indian Penal Code at Police Station Bawani Khera, District Bhiwani and all subsequent proceedings arising therefrom including the judgment of conviction dated 05.12.2022 and order of sentence dated 08.12.2022 passed by learned Judicial Magistrate Ist Class, Bhiwani, in view of the compromise dated 04.01.2024 (Annexure P-6).

2. The following order was passed on 07.02.2024:

“The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 113 dated 05.06.2016 under Sections 323, 325, 341, 506, 34 of Indian Penal Code registered at Police Station Bawani Khera, District Bhiwani (Annexure P-1) and all subsequent proceedings arising therefrom including the judgment of conviction dated 05.12.2022 and order of sentence dated 08.12.2022 passed by learned Chief Judicial Magistrate, Bhiwani on the basis of compromise dated 04.01.2024 (Annexure P-6).

Learned counsel for the petitioners relies upon Ram Gopal and another vs. State of Madhya Pradesh, 2021 SCC Online SC 834 to contend that even after the conviction of the accused the proceedings can be quashed on the basis of compromise during the pendency of the appeal.

Notice of motion.

At this stage, on the asking of the Court Ms. Geeta Sharma, DAG Haryana accepts notice on behalf of respondent No.1-State and Ms. Mehak Sawhney, Advocate accepts notice on behalf of respondent No. 2 and files her Power of Attorney and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

Service is complete.

The parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks or any other date convenient to concerned Court to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the petitioners on or before the date fixed i.e. 13.03.2024.

A copy of the order be sent to the learned trial Court/Illaq Magistrate through fax for compliance.”

3. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. In view of the compromise and the ratio of law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834 and Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No. 113 dated 05.06.2016

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registered under Sections 323, 325, 341, 506 and 34 of Indian Penal Code at Police Station Bawani Khera, District Bhiwani and all subsequent proceedings arising therefrom including the judgment of conviction dated 05.12.2022 and order of sentence dated 08.12.2022 passed by learned Judicial Magistrate Ist Class, Bhiwani are quashed, qua the petitioners.

13.03.2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

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