

MANDEEP BOHRA ALIAS MANDEEP ALIAS MANDY AND OTHERS

V/S

...RESPONDENTS

Mr. J.S. Grewal, Advocate
for respondent Nos.2 and 3.

HARPREET SINGH BRAR J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.0156 dated 25.05.2023 registered under Sections 120-B/279/323/34/506 of IPC at Police Station Sector-53, District Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 21.12.2023 (Annexure P-2).

2. The following order was passed on 23.01.2024 :-

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.0156 dated 25.05.2023 under Sections 120-B/279/323/34/506 of IPC registered at Police Station Sector 53, District Gurugram (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 21.12.2023 (Annexure P-2).

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 Mr. J.S. Grewal, Advocate accepts notice for respondents No.2 & 3 and files his memorandum of

appearance and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day. Learned counsel appearing for respondents No.2 & 3 is directed to file his power of attorney on or before the next date of hearing with the Registry of this Court.

Service is complete.

Now the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, 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 party on or before the date fixed i.e. 29.02.2024.

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

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

4. Learned State counsel has filed status report dated 12.03.2024 by way of an affidavit of Kapil Ahlawat, HPS, Assistant Commissioner of Police, Sadar, Gurugram on behalf of respondent No.1-State, which is taken on record and submits that statement of respondent No.3-injured, namely, Shivank Gupta has not been recorded by the concerned jurisdictional Magistrate.

5. Learned counsel for respondent Nos.2 and 3 produces the medical report of the respondent No.3, who was discharged on 25.01.2024, after undergoing to met with an accident on 24.01.2024. As such, his statement could not be recorded, however, learned counsel submits that he has no objection in case the FIR (supra) is quashed on the basis of compromise.

6. 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.0156 dated 25.05.2023 registered under Sections 120-B/279/323/34/506 of IPC at Police Station Sector-53, District Gurugram (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

March 13, 2024

manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |